

# Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

August 6, 1993

**TO:** MAPC Executive Committee

FR: David C. Soule

RE: Transportation Demand Management Funds

Decisions regarding funding of transportation demand management projects in the FY 93 TIP were transmitted to MAPC in mid-July 1993. Communities which had submitted proposals were informed of the status of their projects by phone and subsequently by letter. A sample letter is attached as is a list of projects which were approved for funding statewide. The complete list of communities making proposals in the MAPC region follows below.

TDM project proposals by community in MAPC region:

• MAPC: Transit Voucher program

Concord: Bicycle Lockers

**Electric Vehicles** 

Shared Home Delivery

Park-and-Ride lot, West Concord

Sharon: Park-and-Ride lot

MetroWest: Suburban TDM initiative

Quincy: Seniors Transportation Service

Cambridge: Employer Survey program

Milford: Park-and-Ride lotBTD: Cordon Count

Transportation Centers

Municipal Employee trip survey and program



# Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

July 30, 1993

Christopher Whelan, Town Manager Town of Concord Town House, PO. Box 535 Concord, MA 01742

Dear Mr. Whelan:

This is update you on the status of the proposals for transportation demand management (TDM) funding you submitted to our office at the beginning of June, 1993. The TDM Project Selection Committee met at the end of June to select projects for the first year of funding, and MAPC subsequently received this information by letter in mid-July. At that time, we informed your office by telephone of the Committee's decision regarding your proposals.

We are pleased to inform you that two Concord project proposals, retrofitting meterreading vehicles with electric motors and bicycle storage lockers at commuter rail stations, were among those selected for funding. The Committee specified that this approval, however, is contingent upon some additional information by your office as outlined below.

### 1) Retrofitting meter-reading vehicles with electric motors:

The sponsor must commit to evaluating this project and to ongoing maintenance of these vehicles for the life of the project. In addition, the local match and the identity of the co-sponsor/s must be clearly specified (i.e., is the Concord Municipal Light Plant a separate entity from the Town Manager's Office?). There also appears to be an error in the calculation of the cost per mile of attaining zero emissions for these vehicles. This should be clarified as well.

### 2) Bicycle storage lockers at Commuter Rail stations:

There must be a commitment on the part of the sponsor to maintain these lockers and to evaluate their effectiveness over the life of the project. The sponsor must also provide a more thorough statement of the estimated air quality benefits associated with this project. In addition, the local match and the identity of the co-sponsor/s must be clearly specified.

Edmund P. Tarallo, President

William G. Constable, Vice-President

Dianne M. Shea, Secretary

Richard A. Easler, Treasurer

It is expected that we will be contacting you shortly to discuss the method of allocating the funds. In the meantime, we would advise you to address the outstanding issues outlined above and communicate this to us by letter. If you have questions or comments in the meantime, please contact me or Rachel Kuropatwa at (617) 451-2770.

Sincerely,

David C. Soule

**Executive Director** 

cc: MPO Liaison Committee

MAPC Executive Committee MAPC city/town representative

RPA	SPONSORS	DESCRIPTION	FUNDING
CCC	Barnstable/Yarmouth	Arterial update	\$120,000.00
	several towns	Bicycle lockers	\$40,500.00
PVPC	Springfield	State St. signal coord.	\$52,000.00
OCPC	BAT	Manley St. transit	\$160,500.00
MAPC	MAPC	Transit Vouchers	\$150,000.00
	Peabody	"Peabody Transit"	\$60,000.00
	Concord	Electric vehicles	\$36,000.00
	Concord	Bicycle lockers	\$32,592.00
	Milford	park-and-ride	\$41,135.00
	Sharon	park-and-ride	\$210,000.00
			\$902,727.00

Cuble Comm



#### THE COMMONWEALTH OF MASSACHUSETTS

**EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION** 

### **COMMUNITY ANTENNA TELEVISION COMMISSION**

LEVERETT SALTONSTALL BUILDING

100 CAMBRIDGE STREET, BOSTON 02202

(617) 727-6925

August 5, 1993

Dear Massachusetts Cable Television Operator:

On April 1, 1993, the Federal Communications Commission (the "FCC") released rules concerning tier buy-through prohibitions consistent with Congress' directive under Section 3 of the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Cable Act").

The FCC's buy-through regulations, which will become effective on October 6, 1993, read as follows:

# \$76.900 Buy-through of Other Tiers Prohibited

- (a) No cable system operator may require the subscription to any tier other than the basic service tier as a condition of subscription to video programming offered on a per channel or per program charge basis.
- (b) A cable operator may not discriminate between subscribers to the basic service tier and other subscribers with regard to the rates charged for video programming offered on a perchannel or per-program charge basis.
- (c) Prior to October 5, 2002, the provisions of paragraph (a) of this section shall not apply to any cable system that lacks the capacity to offer basic service and all programming distributed on a per channel or per program basis without also providing other intermediate tiers of service:
  - 1) By controlling subscriber access to nonbasic channels of service through addressable equipment electronically controlled from a central control point or
  - 2) Through the installation, noninstallation, or removal of frequency filters (traps) at the premises of subscribers without other alteration in system configuration or design and without causing degradation in the technical quality of service provided.
- (d) Any retiering of channels or services that is not undertaken in order to accomplish legitimate regulatory,

Massachusetts Cable Television Operators August 5, 1993 Page 2

technical, or customer service objectives and that is intended to frustrate or has the effect of frustrating compliance with paragraphs (a) - (c) of this section is prohibited.

In anticipation of the October 6, 1993 effective date, our office is writing to inform all Massachusetts cable television operators that believe they are exempt from compliance with the buy-through provision for their entire system or any portion thereof as provided under \$76.900(c) of Title 47 of the Code of Federal Regulation, that they should notify our office (and their local issuing authority) in writing as to their reason for exemption.

Any statement of exemption shall be delivered using certified mail. Operators submitting a statement of exemption shall:

- 1) provide a statement that defines why the system in question is not technically capable of accommodating the provisions of the FCC's buy-through regulations, 47 C.F.R. \$76.900(a) and (b); and
- 2) provide a statement as to the date on which the operator anticipates the system will come into compliance with the provisions of the FCC's buy-through regulations, 47 C.F.R. \$76.900(a) and (b).

Absent the filing of a statement of exemption or the receipt of a copy of a waiver issued by the FCC, the Commission shall assume that the operator's system(s) are in full compliance with §76.900(a) and (b). Where operators are not exempt from compliance with the 1992 Cable Act's buy-through provisions, they should notify subscribers of any change in service availability resulting from the buy-through provisions.

Should you have any questions regarding this matter, please do not hesitate to contact our office.

Sincerely,

Commissioner

cc: Massachusetts Issuing Authorities Cable Television Advisory Boards



Commissioner
Mitchell Adams
Deputy Commissioner
Leslie A. Kirwan

Massachusetts Department of Revenue

# Division of Local Services

# BULLETIN

July 30, 1993

TC:

Mayors, City Managers, Selectmen, Treasurers,

Accountants and Auditors

FROM:

Leslie A. Kirwan, Deputy Commissioner Will A. Kirwan

Division of Local Services

SUBJECT: Sewer Rate Relief Fund

The Commonwealth Sewer Rate Relief Fund was established in Section 20 of the outside sections of the FY94 appropriation act. Distribution of funds to cities, towns, or sewer authorities will be based on debt service for debt issued after January 1, 1992. The appropriation for FY94 is \$30,000,000.

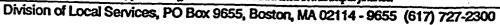
The Division of Local Services, in consultation with the Department of Environmental Protection, is assigned responsibility for developing guidelines to certify the eligible indebtedness and to create a process to equitably distribute funds. The distributions are to be completed by December 31, 1993.

We are aware that certain modifications are pending in the General Court, of which the most significant would extend the rate relief plan to include debt issued for water. Even before these modifications are finalized, we want to gather the data necessary to confirm the amount of eligible indebtedness for each municipality or sewer authority as soon as possible. We also want to insure that the relationship between each city or town and water or sewer districts or authorities is properly reflected in our records. We are therefore asking the office of the Mayor, Manager or Selectmen and the City or Town Treasurer to complete the attached PRELIMINARY CALCULATION OF ELIGIBLE INDEBTEDNESS and return it by August 10, 1993.

(over)

The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management.

The Division regularly publishes IGRs (Informational Guideline Releases detailing legal and administrative procedures) and the Bulletin (announcements and useful information) for local officials and others interested in municipal finance.





The purpose of this Fund is to mitigate rate increases, and we understand that each city, town or authority will need to know the amount to be distributed from this Fund as quickly as possible to set rates or to formulate rate adjustments. We look forward to working with you to implement this important program as smoothly and quickly as possible.

Questions with regard to this fund and the form attached should be referred to Jim Johnson, Assistant Director of Accounts, or to Chris Harrington of the Debt Section, at (617) 727-2300.

# COMMONWEALTH SEWER RATE RELIEF FUND (Chapter 110, sec. 20, Acts of 1993)

# PRELIMINARY CALCULATION OF ELIGIBLE INDEBTEDNESS

	City/Town	<del></del>
		, 1993
Please	return by August 10 to:	
Att: 3 Box 965 Boston,	ON OF LOCAL SERVICES James R. Johnson, Asst. Director of Accounts 55 MA. 02114 FAX (617) 727-6432	
A. F	RESPONSIBILITY FOR OPERATION	
1.	Does the municipality operate its own sewer service?	YES
	If YES, do you pump to another city or town or an authori	_
	Please specify:	· · · ·
2.	Is sewer service provided to all or part of the municipal directly by a district, authority or commission?	ity YES  NO
	If YES, please specify:	
3.	Does the municipality operate its own water service?	YES
		□ NO
	If YES, do you purchase from another city or town or an a	uthority?
	Please specify:	
4.	Is water service provided to all or part of the municipal by a district, authority or commission?	ity directly  YES
	•	☐ NO
	If YES, Please specify:	
5.	What Board or official is responsible for setting sewer arrates?	nd water

### B. RECORD OF CERTAIN DEBT ISSUES-SEWER

List permanent debt maturing in more than five years (for example, do not show bond anticipation notes) issued after January 1, 1992, wholly or in substantial part to finance or refinance the costs of planning, design or construction of any water pollution abatement project or part thereof required to meet the provisions of the Federal Clean Water Act, 33 USC, Secs. 1251 et seq., and secs. 26 to 53 inclusive of Ch. 21 M.G.L. or any wastewater collection or transportation project related thereto. Do not show any issues through the State Revolving Fund, or for projects for which state or federal grants were received.

Date	Issue Amount*	FY94 Debt Service	Purpose**	Any Grants Expected?
C. RECOF	RD OF CERTAIN	N DEBT ISSUES-W	VATER	
not show or in su design of required 42 USC S	v bond anticipat ubstantial part or or construction of to meet the pro-	uring in more than ion notes) issued to finance or refinence of any water treat ovisions of the Fernanda point of the second contract of	<b>after January 1</b> nance the costs ment projects o deral Safe Drin	, 1992 wholly of planning, r part thereof king Water Act,
Date	Issue Amount*	FY94 Debt Service	Purpose**	Any Grants Expected?
	· · · · · · · · · · · · · · · · · · ·			
* If a	portion of a mur fficial statemen	nicipal purpose loa nt.	an, attach sched	dule or copy of
** Indic	ate description	of work, not locat	tion.	
D. SUBM	ITTED BY:	·		
Mayor/I	Manager/Selectmen	•	Trea	surer
Phone	()	-	Phone ()_	

Thank you for your cooperation!

11 August 1993

#### TELEFAX 508-263-8409 & MAIL

Pam Harting-Barrat Chairperson Acton School Committee c/o Superintendent's Office R. J. Grey Junior High School Acton, MA 01720

Dear Pam,

As you know we are all reading the provisions of the recently If the Commonwealth funds enacted Education Reform Act of 1993. the aid arrangements envisioned in this and future years it appears that many of the fiscal pressures on education may be relieved. Other municipal services, as far as we can presently see, will probably have to be reduced at an increased pace in order to provide the additional state-required local funding for education services. Although the Selectmen wish the schools well, we believe this legislation will make it hard for us to discharge our duties. It also appears possible that much of the incentive for Acton co-ordination may have governmental been removed legislation.

One item in the Education Reform Act, however, does offer the municipalities some involvement in how the additional property tax support for the school will be spent, and encourages school-town cooperation such as has existed in Acton. I am referring to the provisions of §62 of the Act which involves the Town Manager in school wage negotiations and contract approval.

I understand that the legislative history of §62 of the Act is that the municipal interests lobbied the Great and General Court for some municipal involvement in school labor negotiations because it was felt that there was a risk that otherwise all of the additional funding provided, by the state and from the property tax, would be consumed in more generous wage settlements. phenomenon, should it occur might be doubly destructive to the remainder of municipal government. Other municipal services would be reduced, due to the interaction of the Education Reform Act with the political realities of Proposition 2½, and then generous school wage settlements might become models to which municipal employees would aspire, possibly resulting in further service cuts due to larger municipal wage increases. The recent comparison I had done of the rates of increase of the school wages and municipal wages in our recent history suggests that these are not entirely fanciful concerns. The final language of §62 of the Act leaves much to be desired, but it does indicate the legislature's intent that

Pam Harting-Barrat August 11, 1993 Page 2

municipal officials be involved in the schools' collective bargaining process.

It is my understanding that the Acton Town Manager has requested information concerning the current wage negotiations being conducted by the Acton School Committee and the Acton-Boxborough Regional District School Committee. Information is of course the heart of participation. I further understand that he has been refused such information. As reported to me, the schools position is that, since the local school committee and the Region bargain jointly, your administrators feel that the Town of Acton as municipality has no standing, except through Next, the argument goes, the state participation in the Region. has not yet promulgated the regulations under the act defining how municipal representation in school collective bargaining will be handled in Regions. So, I understand the school administration has concluded it need not share any current collective bargaining information with Acton, until the Acton and Boxborough Regional involvement is determined under the yet-to-be-issued regulations.

The foregoing is a lawyer's approach to the problem. I think the school administration interpretation is wrong, but that is not the point. The point is that we should be doing what is best for the entire community, and in this case that is following the intent of the Reform Act. The net result of the current school administration position is likely to be, and a cynic might conclude is intended to be, that the current wage negotiations will be concluded and approved before any municipal involvement is permitted.

The general thrust of the relevant section of the Reform Act is the same as my suggestion before the last round of negotiations, that the school committee and the Selectmen should keep each other advised of the progress, discuss objectives and listen to the others potential objections during the progress of negotiations, rather than be restricted to the sole option of complaining after the deal is done. That suggestion was rejected at that time, I am writing you now to in effect advance it again.

The Board of Selectmen hereby formally requests that the school administration promptly share with the Town Manager, in confidence of course, the relevant information concerning the status of current school wage negotiations and the school committee's negotiating objectives. Any negotiating committee participation by the Town Manager, and his involvement in voting, can await the issuance of the state regulations concerning Regions, and any action that might then seem appropriate concerning the local schools.

Pam Harting-Barrat August 11, 1993 Page 3

I am not currently authorized to offer you the same current information concerning municipal negotiations, as I have not discussed the matter with the Board of Selectmen. However, I think the information street should be two way, that was my position and I believe the Board's position when I made the earlier suggestion. I would hope and expect that the Selectmen would now be willing to act favorably on my suggestion that we keep the Acton School Committee confidentially advised of the status of municipal wage negotiations, if the school committee was providing the same information to the Town Manager concerning school labor negotiations.

Sincerely

F. Dore Hunter

Chairman

Acton Board of Selectmen

Copy to: Town Manager

Board of Selectmen



292 Great Road • Acton, MA 01720 Tel: (508) 263-0011 • Fax: (508) 635-0421

August 12, 1993

John Murray Town of Acton 472 Main Street Acton, MA 01720

Re: Your Letter of 15 July 1993

Dear John,

I have reviewed your letter and make the following comments:

<u>Paragraph 1</u> Snow Removal - I find no mention of snow removal in the references you quoted. I have given your letter to the two attorneys involved in the original negotiations and have asked for their comments.

Paragraph 2 Your comments sound familiar. Do not forget the roads maintained by the condominium owners are also used by Acton citizens to get to the conservation land.

Paragraph 3 There never was any threat of canceling the South Phase. The South Phase recreational center and all access roads would have been completed. It is likely that the North Phase would not have been built.

There were several reasons on both sides that a compromise or revision to the program was appropriate:

- 1. The restricted units were not moving well because of the rules and regulations concerning resale--a very common problem throughout the Commonwealth when the real estate market collapsed.
- 2. The Town of Acton was faced with the loss of five (5) affordable units because funds were not available for their purchase nor for the down payment. I had extended the acceptance date on the first units and switched units in an attempt not to lose them.

The compromise, therefore, benefitted both parties. I received a more saleable product by changing the remaining restricted units into market units thus allowing contingency financing since we used sales receipts to continue construction. The Town of Acton received \$130,000 for the Housing Authority units that clearly would be lost under the existing agreement, a \$450,000 investment

in the Senior Center and an increase in the residential tax basis in excess of \$6,000,000 per year.

Septic - I believe, John, that the following facts Paragraph 4 are correct:

<u>Parcel</u>	Design Capacity	Constructed Capacity
Lot N Lot S	6,740 7,700	6,951 7,800
		14 751

To make sure that you do not trip review of the system by the State, the system must total less than 15,000 gallons; therefore, we have at this time an excess of 249 gallons (15,000-14,751) gallons per day adjusted to 245 gallons per day to insure compliance. Included in the 6,740 gallons per day is 600 gallons per day for the Senior Center. Add to that the excess of 211 gallons (6,951-6,740) that presently exists and the center has available 811 gallons per day. If you add through construction the 245 gallons per day, the Senior Center will have available 1,056 gallons per day (600 + 211 + 245).

The Senior Center will base its occupancy on 811 gallons per day initially and 1,056 gallons per day with the approval of the design and construction of an expansion of the Lot N septic system to a maximum capacity of 7,196 gallons per day. The costs, of course, belong to the Town of Acton.

Paragraph 8.4 Septic - The tenant will have the 1,000 gallon kitchen grease traps, both located outside the building under the parking lot, cleaned every six months as a minimum. The 1,500 gallon septic tank located in the same general area will be cleaned once a year as a minimum. The landlord will be notified when such cleaning is scheduled. If during cleaning it is apparent that the duration between cleanings is too long, they will be cleaned more frequently. Occupancy is based on 811 gallons per day until the installation of additional trenches is complete increasing the number to a maximum of 1.056 gallons per day. The installation to increase the capacity by 245 gallons per day will be accomplished by the Town of Acton prior to 30 November 1993. Water bills for the Senior Center will be sent to the Audubon Hill North Condominium Association within ten (10) days of receipt.

Yours truly,

Ray C. Smiths
Roy C. Smith

John Murray Assistant Town Manager

July 15, 1993

Roy Smith R. Smith Associates 292 Great Road Acton, MA 01720

Dear Roy,

We believe the snow removal question was fully addressed both in the Comprehensive Agreement (sections 5.2 & 5.3), and the lease (Article 7). The last full sentence in Section 5.2 of the Comprehensive Agreement states "Such Lease and Condominium Documents shall provide that in no event shall the Town be required to pay any form of condominium or common fees, special assessments or the like." We believe that a lease requiring the Town to maintain the parking lot and walkways free of snow is a special assessment or the like. Further, section 5.3 specifically states that "the Developer, or, following its creation, the Condominium Association, shall be responsible for the maintenance and repair of ... the grounds surrounding it (the senior center) at its sole expense". Article VII of the lease further defines the maintenance of the grounds to include the parking facilities.

I have inferred from your letter that there is an underlying theme that the residents of the complex are receiving less services and support from the Town than other citizens. I believe that it is time to set the record straight. The first point that I wish to address is your comment concerning the roadways of the development and property taxes. Property taxes are based upon the value of the property and not based upon the fact that the property is located on a private or public road. Also, the residents of your development enjoy the use of all the public roads in Acton (which in part are supported by the property tax), not just the roads located inside the development.

The second issue that I wish to address is lack of

support from the Town. As you and I are both aware, because of the cooperation of the Board of Selectmen, the Audubon Hill project was not cancelled during construction of the South Phase. Thereby, preserving the value of the units constructed early in the process, protecting those unit owners from the expense of finishing the required infrastructure, preserving the estimated unit condominium fee, and the Town obtaining a Senior Center. In my term with the Town, this has been the only project in which the Town, as an entity, has become intrinsically involved in rescuing the financing of a private business venture. Therefore, an argument could be constructed that members of the condominium associations have received an unprecedented amount of support from the Town, and support of this nature has not been awarded to any other citizen of the Town.

The final outstanding issue on appropriate seating level for the Senior Center dining operation is a real quagmire, with what I believe is an easy answer. The problem in a nutshell is that Title 5, does not specifically address a senior center flow rate. Therefore, your consultant chose a school with a cafeteria as the applicable flow rate (15 gal/seat). Our Health Department with guidance from DEP chose a Country Club flow rate, and I will allege that the correct flow rate should be "a large church with a kitchen" per the National Standard Plumbing Code (5-7 gal. per seat). Regardless of the standard finally selected, I believe the following language from section 5.3 of the agreement fulfills both our needs.

In the event the Town alters or expands its sewage demands for the Senior Center, such action shall be contingent upon Town approval and authorization of each action and shall be at no cost to the Condominium Association.

Sincerely Yours,

John Murray

### ROY C. SMITH P.O.BOX 2840 BREWSTER, MASSACHUSETTS 02631 Telephone (508) 896-5906 FAX (508) 896-5906

FAX NO: 509 264-9630 DATE:
TO: John MURRAY FROM: ROY SPITH AUGUBON
Number of Pages, Including Cover Page:
SUBJECT: SEMAR CONTER LEASE LEHER/FAX 8/12/93
please add to the last.
sentence of livred PAR O.H. after the word record
for review to insure that the daily flow
rate is not being accorded
I Lauks Ray Smith
P.S. I we come to be apreating from here, lout
e broke two siles an Sunday and well be restricted from trovel until moveday.
restricted from trovel until moveday.
If you do not receive all of the pages or have other problems call
(508) 896-5906. Ask for .

### **TOWN OF ACTON**

# INTERDEPARTMENTAL COMMUNICATION

## TOWN MANAGER'S OFFICE

\*

DATE: 8/12/93

TO:

The Board of Selectmen

FROM:

John Murray

SUBJECT:

Sawyer's Dogs

Attached is the missing police report. With the exception of the installation of the blue tarp as the screening device, which I believe was not the intent of the Board, the Police Department has not been able to independently substantiate the reported complaints. Therefore, I will place this matter before the Board at their next meeting.

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Selphona (508) 264-9612
Lix 608) BARREY
V

Don P. Johnson Town Manager

December 21, 1992

Mr. Samuel G. Sawyer, Jr. 41 Minuteman Road Acton, MA 01720

Subject: Complaint of Vicious

or Barking Dog

Dear Mr. Sawyer:

On Tuesday, December 1, 1992, the Acton Board of Selectmen conducted a hearing on the written complaint of James E. and Kathleen M. Conley, alleging that your dogs bark excessively. After hearing testimony and questioning both sides, the Selectmen determined that they wished to view the premises and conduct an independent investigation of their own. To that end, the hearing was continued to December 15.

On December 15, after having completed their own investigation, the Selectmen reconvened the hearing and heard further input from both parties. The Board deliberated at length before voting a decision. The unanimous decision of the Board was as follows:

- 1. You are directed to fence or screen the dog's pen such that no part of the Conley property is visible to the dogs. You are free to install the fence/screening where you choose, so long as you carry out the intent and block the dog's sight of the Conley property. You are cautioned; however, that this fence/screen is to be in addition to existing trees and shrubbery. The Selectmen expressly do not want any existing trees or shrubs removed.
- 2. You are directed to keep the dogs in the pen at all times unless they are under your direct control. The Selectmen defined "direct control" to mean that the dogs shall be on a leash or under effective voice control of the owner.

The conditions of this order must be completed within 30 days of the date of this notice. Failure to do so will result in enforcement action by the Town of Acton.

If you wish to appeal this order you may do so by bringing a petition in the district court within ten days, as prescribed by Chapter 140, Section 157 of the Massachusetts General Laws.

very truly yours,

Don P. Johnson Town Manager

cc: James E. & Kathleen M. Conley
Board of Selectmen
Chief of Police
Dog Officer

DPJ:501

# TOWN OF ACTON POLICE DEPARTMENT

#### INTER-DEPARTMENTAL COMMUNICATION

TO: Chief George W. Robinson DATE: July 19, 1933

JL 2 1 1933

FROM: Detective Todd D. Fenniman

SUBJ: Sawyer/Conley [Nuisance Dog Complaint]

Per your request I have reviewed the Acton Police daily log and have discovered the following:

For the period of time covering May 15, 1993 to the present, 13 calls have been received from the Conley residence complaining about the Sawyer's dogs barking. The range of the calls were as follows:

May 21, 1993 - Monday - 23:33 PM May 23, 1993 - Sunday - 21:49 PM June 11, 1993 - Friday - 20:04 PM June 18, 1993 - Friday - 18:18 PM June 19, 1993 - Saturday - 05:14 AM June 24, 1993 - Thursday - 02:18 AM June 30, 1993 - Wednesday - 19:30 PM June 30, 1993 - Wednesday - 22:50 PM June 30, 1993 - Wednesday - 23:30 PM July 3, 1993 - Saturday - 20:47 PM July 9, 1993 - Friday - 04:49 AM July 9, 1993 - Friday - 22:24 PM July 11, 1993 - Sunday - 06:19 AM

As a result of 10 of these calls, upon the response of a police officer, there was no barking heard. In most cases the responding officer listened from both the Sawy r's driveway and the Conley's driveway. Upon two of the complaints, a log item was made and one dispatcher called and left message on the Sawyer's answering machine. The next day Mr. awyer returned a call to the police station and stated that his dogs were inside

#### TOWN OF ACTON POLICE DEPARTMENT

#### INTER-DEPARTMENTAL COMMUNICATION

the whole night from 8:30 PM to 9:00 AM. The Conley's complaint was logged at 8:04 PM the previous evening. The responding officer on one complaint could hear muffled parking from the interior of the Sawyer home. There is no complaint logged in reference to the incident in the Conley's letter on the date in question.

On May 6, 1993, the Honorable Judge Frederick Gilgun of the Concord District Court affirmed the decision of the Clerk Magistrate who had in turn affirmed the decision of the Board of Selectmen in this matter. Judge Gilgun's decision can only be appealed on points of law and not the matter steelf. As of the date of this memo, there has been no appeal filed according to Concord District Court records.

Part one of the Selectmen's decision requires that the Sawyer's erect a fence or structure to block the dogs' view of the Conley's yard. This has been completed. (Blue tap)

Part two requires the Sawyer's to keep the cogs under "direct control" at all times while not penned. Coording to the Conley's letter, it appears to them that during the incident on June 29, 1993, the Sawyer's dog was not under effective voice control. This particular incident was not reported to the police department or logged.

Massachusetts General Laws Chapter 140 Se:tion 157 covers nuisance dogs/excessive barking. It allows for the Selectmen to issue a decision concerning restraint or disposal of a dog as they deem necessary and upon the conclusion of an appeal process allows for certain sanctions for non-compliance. The statute in part reads as follows:

"...The decision of the court shall by final and conclusive upon the parties. Any pers n owning or

#### TOWN OF ACTON POLICE DEPARTMENT

### INTER-DEPARTMENTAL COMMUNICATION

harboring such dog who shall fail to conply with any order of the selectmen, chief of poice, county commissioners or district court, as the case may be shall be punished by a fine of not more than twenty-five dollars for the first offense, and not note than one hundred dollars for a second or subsequen offense, or by imprisonment for not more than thirty ays, for the first offense and not more than sixty days for a second or subsequent offense, or both."

From this statute, it appears that monetary fines may be levied against Mr. Sawyer for violating this section for the first or any subsequent offense.

CC: Town Manager

d

#### Notes of Decisions

Defense of fowls 1 Watch dogs 2

#### 1. Defense of fowls

Since P.S.1882, c. 102, § 94, did not take away an owner's common-law right to kill a dog in defense of his property, one was justified in killing another's dog which was killing his hens, where he believed it necessary to prevent the killing. Nesbett v. Wilbur (1900) 58 N.E. 586, 177 Mass. 200.

Defendant was not justified in killing plaintiffs dog, believing that it was about to maim and kill defendant's hens, unless he had reasonable cause to believe killing was necessary. Livermore v. Batchelder (1886) 5 N.E. 275, 141 Mass. 179.

#### 2. Watch dogs

One keeping for the protection of his family a dog duly licensed and collared, and confined so as not to endanger persons properly on his messuage, could recover its market value as a watch dog, from a neighbor who killed it there without being attacked by it, although it was a dangerous animal, and accustomed to bite those who came near it. Uhlein v. Cromack (1872) 109 Mass. 273.

# § 157. Vicious dogs; nuisance; barking or other disturbance; annoyance to sick person; attacks on other dogs

If any person shall make complaint in writing to the selectmen of a town, the chief of police of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity such selectmen, chief of police or county commissioners shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deem necessary the magistrate shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, chief of police, county commissioners or district court, as the case may be shall be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense, or by imprisonment for not more than thirty days, for the first offense and not more than sixty days for a second or subsequent offense, or both.

The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.

Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one. Amended by St. 1934, c. 320, § 20; St. 1976, c. 530; St. 1978, c. 478, § 73; St. 1985, c. 455.

### Historical and Statutory Notes

St.1791, c. 38, § 2. R.S.1836, c. 58, § 16. G.S.1860, c. 88, § 61. P.S.1882, c. 102, § 95.

R.L.1902, c. 102, § 148. St.1924, c. 113.

St.1934, c. 320, § 20, approved June 23, 1934, and by § 34 made effective Jan. 1, 1935, rewrote the section, which prior thereto read:

'If a person who has been so assaulted, or who finds a dog strolling outside of the enclosure of its owner or keeper and not under his immediate care, within thirty days after such assault or finding makes oath thereof before a district court or trial justice or before the clerk of the town where the owner or keeper of the dog dwells, and that he suspects the dog to be dangerous or mischievous, and gives notice thereof to its owner or keeper by delivering to him a certificate of such oath signed by such court, justice or clerk, the owner or keeper shall forthwith kill or confine such dog; and if he neglects so to do after twenty-four hours from the receipt of such notice he shall forfeit ten dollars.'

St.1976, c. 530, approved Oct. 27, 1976, added the second paragraph.

St.1978, c. 478, § 73, approved July 18, 1978, and by § 343 made effective as of July 1, 1978, in the first paragraph, in the second sentence, inserted "or magistrate thereof" and substituted "magistrate deem necessary the magistrate" for "court may deem necessary it"; inserted the third sentence and, in the last sentence, substituted "twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense" for "ten dollars, or by imprisonment for not more than thirty days, or both"; and added the last paragraph.

St. 1985, c. 455, approved Oct. 31, 1985, in the first paragraph, in the last sentence, added ", or by imprisonment for not more than thirty days, for the first offense and not more than sixty days for a second or subsequent offense, or both".

#### Cross References

Election of remedy, see § 166 of this chapter.

#### Library References

Animals ⇔55, 74(2), 85. WESTLAW Topic No. 28. C.J.S. Animals §§ 165, 167, 175, 176, 211 to 216, 224, 228, 230, 298 to 312. Comments.

Damage by dogs, see M.P.S. vol. 17A, Bishop, § 1244.

#### WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

#### Notes of Decisions

Attacks on livestock 2 Nuisance 1

#### 1. Nulsance

Complaint alleging that defendants' dog was a nuisance by reason of excessive barking and other disturbances and that defendants had not restrained dog as ordered pursuant to hearing held upon complaint to selectmen and not alleging whether conduct was intentional, wanton or reckless, or negligent made allegation of conduct amounting to nonfeasance. Mills v. Keeler (1967) 222 N.E.2d 749, 351 Mass. 502.

In complaint alleging that dog constituted a nuisance by reason of excessive barking and other disturbances, "other disturbances" meant those of the same kind as barking. Id. Complaint alleging that defendant's dog was a nuisance by reason of excessive barking and other disturbances and that defendant had not restrained dog as ordered after hearing pursuant to complaint to selectmen did not state cause of action under c. 243, § 1, governing actions for private nuisances. Id.

#### 2. Attacks on livestock

A complaint alleging that certain dogs of defendant worried and injured the sheep of plaintiff; that a certain dog, accustomed to bite sheep belonging to defendant, worried and injured certain sheep of plaintiff; and that certain dogs which were accustomed to worry, bite, and destroy sheep, of which fact defendant was knowing, killed sheep, the property of plaintiff stated but one cause of action.

con From BOARDS

# Commonwealth of Mussachusetts Vistrict Courts of Mussachusetts

Middlesex

Town of Acton, Board of Selectmen

vs

Samuel G. Sawyer

Judge's Hearing

FILE COPY

## DECISION

After a hearing, the Court affirms the decision of the Board of Selectman in the above named matter.

Gilgun, J.

May 6, 1993

## Selected Incidents

# Selected Incidents from 05/15/1993 00:00 to 07/15/1993 23:59

NCIDENT/ OFFICER/ DISPATCHER	DATE LANDMARK AND/OR ADDRESS	TYPE DISPOSITION SUPERVISOR			
19306005 PALMA ALLEN	05/21 41 MINUTEMAN RD 23:33	ANIMAL PROBLEM BARKING DOGS ASSISTED PARTY HCPADDEN			
	MRS. CONLEY 15 SIMON VILLARD RD ABOVE, CAR 24 SENT, NOTHING HEAD	REPORTS THE SAVYER'S DOGS ARE BARKING AT THE RD AT THIS TIME.			
19306066 HAYES COGAN M	05/23 41 MINUTEMAN RD 21:49	ANIMAL PROBLEM BARKING DOGS ASSISTED PARTY ROGERS			
OOGAN II	MRS CONLEY 15 SIMON WILLARD (26-C-25 SENT. C-25 REPORTS ALL QU	4-0050) REPORTS THE SAVYERS DOGS ARE BARKING,			
19306844 MILLIGAN MILLIGAN	06/11 41 MINUTEMAN RD 20:04	ANIMAL PROBLEM BARKING DOGS ASSISTED PARTY ROGERS			
HIMIGAN		COMPLAIN ABOUT THE SAVYER DOGS BARKING IN A PEN R HOME I CALLED LEFT A MESSAGE ON RECORDER TO			
19306888 No officer COGAN M	06/12 41 MINUTEMAN RD 18:12	ANIMAL PROBLEM DOG PROBLEM ASSISTED PARTY MCPADDEN			
COGAN II	63) REPORTS HIS DOGS WERE INSIDE LAST NIGHT FROM ORTS THERE WAS A COMPLAINT FROM MRS CONNELY.				
19307139 GOODMAN MILLIGAN	06/18 41 MINUTEMAN RD 18:18	ANIMAL PROBLEM ANIMAL COMPLAIN OTHER ROGERS			
	MRS.CONNOLLY #264-0059 CALLED TO COMPLAIN ABOUT THE SAVYER DOGS BARKING IN THEIR PEN, CAR 22 SENT TO ABOVE ADDRESS TO SPEAK TO SAVYER FAMILY.CAR 22 REPORTS NO ONE AT HOME DOGS ARE IN PEN NOT BARKING NOW ALL SET THERE.				
I9307168 HAYES	06/19 41 MINUTEMAN RD 05:14	ANIMAL PROBLEM BARKING DOG GONE ON ARRIVAL MCPADDEN			
ANTONELLI	CONNELLY (4-0059) FROM 15 SIMON WILLARD CALLING TO REPORT SAWYERS DOG FROM ABOVE OUTSIDE BARKING. C-25 SENT. PTL HAYES REPORTS HE STAYED IN AREA FOR OVER (5) MINUTES AND HEARD NOTHING.				
19307344 S.FENNIMAN ANTONELLI	06/24 41 MINUTEMAN RD 02:18	ANIMAL PROBLEM BARKING DOG OTHER ROGERS			
ani viidilli.	CONNELLY(4-0059) CALLING FROM 15 SIMON WILLARD REPORTING SAVYER'S DOG AT ABOVE ARE OUT IN PEN AND ARE BARKING KEEPING HER AVAKE. C-23 SENT. PTL S FENNIMAN REPORTS HE PARKED IN DRIVEWAY FOR A FEW MINUTES AND HEARD NOTHING				
19307633 LAROCHE COGAN H	06/30 15 SIMON WILLARD RD 19:30	ANIHAL PROBLEM BARKING DOG CHECKED/SECURE T. FENNIHAN			
COULT II	MRS CONNELY ABOVE ADDRESS (264- SENT. ALL QUIET AT THIS TIME.	0059) REPORTS THE SAVYERS DOGS ARE BARKING, C-25			

## Selected Incidents from 05/15/1993 00:00 to 07/15/1993 23:59

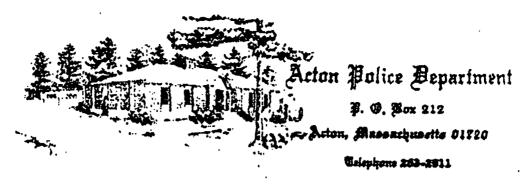
INCIDENT/ OFFICER/ DISPATCHER	DATE LANDMARK AND/OR ADDRESS D	YPE ISPOSITION UPERVISOR	NATURE		
19307641 LAROCHE COGAN H	22:50 C	NIMAL PROBLEM HECKED/SECURE .FENNIMAN	BARKING DOGS		
	MRS CONNELY ABOVE ADDRESS REPORTS AREA, ALL QUIET.		ARE BARKING, C-25 SENT. CHECKED		
19307644 HOWE COGAN M	23:30 CI	NIMAL PROBLEM HECKED/SECURE	BARKING DOGS		
COGAN H	T.FENNIMAN  MRS CONNELY ABOVE ADDRESS REPORTS SAWYERS DOGS ARE STILL BARKING, C-23 SENT.  C-23 WAITED IN BOTH DRIVEWAYS, ALL QUIET.				
19307802 No officer COGAN M	20:47 A:	NIMAL PROBLEM SSISTED PARTY CPADDEN	BARKING DOGS		
COGAN H	MRS CONNELY ABOVE ADDRESS (264-00: SAVYERS ARE GONE FOR THE VERKEND.	59) REPORTS SAV			
19308052 NADRAU ANTONBLLI	04:49 AS	NIMAL PROBLEM SSISTED PARTY ADBAU	BARKING DOG		
ANTONSHILL	CONNELLY FROM ABOVE REPORTING SAVYERS DOG JUST WOKE THEM UP. WANTED INFO LOGGED ONLY AT THIS TIME. CAR 24 SENT TO AREA/REPORTS ALL QUIET AT THIS TIME.				
19308087 GOODMAN ALLEN	22:24 SI	NIMAL PROBLEM POKEN TO	BARKING DOGS		
ALLEN	MRS. CONLEY REPORTS THE SAVYERS DO WOULD LIKE AN OFFICER TO LISTEN TO HOUSE, DOGS ARE NOT BARKING AT THE BARKING, CRUISER IS TO GO TO 15 ST	O THEM OVER AT IS TIME. ** NEX	HER HOUSE, CAR 26 SENT TO HER TT TIME SHE CALLS ON SAWYERS DOGS		
19308148 HARRISON ALLEN	06:19 SI	NIMAL PROBLEM POKEN TO OGAN J	BARKING DOGS		
ALLIADIN	MRS. CONLEY FROM THE ABOVE REPORTS SENT TO THE CONLEY RESIDENCE. CAR THEY ARE INSIDE BECAUSE IT IS MUFI	S THE SAVYERS I 25 REPORTS THI	B DOGS ARE BARKING, SOUNDS LIKE		

CC: POUCE CHIEF -PLS. FORWARD A REPORT AS TO NUMBER & TYPE ALSO, INDICATE ENFORCEMENT PROCEDURES AND 11 1 2 1933 OPTIMUS RE THE JUDGE'S DECISION. N cc: Bos Town of Octor Boord of Selectmen 472 main St. acton, ma Subject: Sawyers Dogs (DPJ 501) On June 29, 1993 st 9:20 A.M. J. heard land shouting coming from my yard. I looked sut my window and Daw the Sawyers dog next to my back parch, he had crossed our latire yard Mr. Sawyer was shutting from his yard, and it was apparent that his review very little control suit the dogs selmi I was Allened Mat my dain her friends were tot in the yard playing, I have brilled a capy of an article that appeared in the Boston Alale

on may 15, 1993, I do not want to wait untill something. like this does happen. This incident reaffermed my preneaus fears. mr Sawyer Las new chosen to leave his dogs out all night. The dags dave been making ustitus on the times in a night, this has been going on far quete sometime We have kept a second and have called the APR. The excessive harking had subsided somewhat, but do now worse than ever lincerely, Kathleen M. Conte CC: Jon O. Jehnson Town manager

.. ...





# PAX TRANSMISSION COVER SHEET

DATE: /- 20 /3	•	
PLEASE DELIVER THE ATTACHED TO:	•	
FIRM: 100 flort		•
FAX NUMBER: 264-7630	.*	•
THIS MESSAGE IS BEING SENT FROM:		
FIRM: Jour Hall  FAX NUMBER: 264-7630		
DIVISION: Dog		
FAX NUMBER: (508) 263-3501		
WE ARE TRANSMITTING 2 FAGES, INCLUDING THIS COVER SHEET		
MESSACES: To be attached to Cartey/ Sacryor meno.		<del></del>
		<del></del>
(LEAVE THE COVER SHEET IN THE TRAY NEXT TO THE FAX	MACHINE	FOR

July 20, 1993

acton rolice Department Incident Report

#### . Single Narrative

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INCIDENT/ PRIORITY/ ACC COM		OFFICER(S)	RECEIVED/ DISPATCHED/ ARRIVED/CLEARED	DISPATCHER/SUPER/ NATURE/ TYPE
19308583 5 No No Domestic	DIRECTED PATROL 41 MINUTEMAN RD REPORT Abuse: No	RAYES	07/20/1993, 12:40 07/20/1993, 12:40 07/20/1993, 12:51 07/20/1993, 14:07	ALLEN PARISI DOG COMPLAINT ANIMAL PROBLEM

Remarks: JIH CONLET REPORTS HE CAN HEARD BARKING DOGS COMING FROM THE DIRECTION ON

SAVYER'S HOUSE AT THE ABOVE, HE HEARD SOMEONE YELLING GET THEM AWAY, SOMEBODY CALL THE POLICE, CAR 25 SENT, REPORTS NO BARKING DOGS AT THIS TIME,

VHEN TO SPEAK TO MR. CONLEY AT 15 SIMON VILLARD. SEE REPORT.

Persons:

CONLEY, JIE REPORTER

License: None

(Male) 15 SIMON VILLARD RD N9302941 ACTON MA 01720

> Phone: None DOB: No date

Commt: RPTS.BARKING DOGS & PERSON TELLING/GOA

PROP-OWNE SAWTER, SAMUEL G

License: 065RS64251 (NH) SSN: 030-50-9126

1009 MAPLEVOOD Apt: AVE (Male) M8621272 PORTSHOUTH NE 01720

Phone: 263-1205 DOB: 06/25/1964 Commt: TEMPORARILY AT MOTHERS ADDRESS.

VICTIM MRSILETUR. CEORGE A License: None

(Male) 36 HINUTENAN RD M9302946 ACTOR MA 01720

> Phone: None DOB: No date

Commt: VALKING HIS DOG. SAVYERS DOG CAUSED PROB

Narrative By: PTL. VILLIAM HAYES Title: OFFICERS REPORT

Status: Open

RECRIVED RADIO CALL REL COMPLAINT FROM CONNOLLY RESIDENCE, REL HEARD SCREAMS COMMING FROM SAVYER RESIDENCE OF GET DOG OFF ME. I ARRIVED AT SAVYER RESIDENCE AND DID NOT HEAR ANY NOISE OR SEE ANYONE AROUND. I KNOCKED ON DOOR OF SAVYER RESIDENCE AND SAM APPEARED. I TOLD HIM OF COMPLAINT AND ASKED HIM That happened. Statement by San: I had ht dog out on a lease in hy Yard. A neighbor of hine (meslener) was valking his dog. Hy dog cot avay from he and VENT AFTER BIS DOG. MR. MESSLENER VAS YELLING TO ME TO GET MY DOG AVAY FROM BIS DOG AND I DID. MR. MESSENER ASKED ME IF MY DOG HAD ITS SHOTS AND I TOLD HIH IT DID. HR. MESSENER WAS THEN SATISFIED AND VALKED AVAY. I (PTL HAYES) IN-FORMED SAM OF HIS LIABILITY PROBLEM, SHOULD HIS DOGS HURT ANYONE OR DESTROY ANY PROPERTY. HE STATED HE UNDERSTOOD AND THAT IN THE ENTIRE NEIGHBORHOOD, THE ONLY PEOPLE THAT COMPLAIN ARE THE CONNOLLYS. I (PTL HAYES) WENT TO THE HESSENER RES-IDENCE AND SPOKE TO HR. MESSENER REL OUT VALKING HIS DOG. HE STATED THAT HE HAS no problem with sam, but sam is responsible for the actions of his rothweilder. I (PTL HAYES) THEN VENT TO THE CONNOLLY RESIDENCE AND INFORMED THEM OF MY TALK-ING WITH SAM AND HIS NEIGHBOR. HRS CONNOLLY STATED SHE WOULD REPORT THIS IN-CIDENT TO THE TOWN HALL AGAIN. I (PTL HAYES) INFORMED MRS CONNOLLY THAT THERE ARE NO COMPLAINTS FROM ANYONE BLSE IN THE ENTIRE NEIGHBORHOOD.

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# Water Supply District of Acton

693 MASSACHUSETTS AVENUE P.O. BOX 953 ACTON, MASSACHUSETTS 01720 cc: BOS

TELEPHONE (508) 263-9107

FAX (508) 264-0148

WATER SUPPLY DISTRICT OF ACTON HARLAN TUTTLE BUILDING 693 MASSACHUSETTS AVENUE ACTON, MA 01720

AUGUST 16, 1993

AGENDA:

7:30 P.M.

CALL TO ORDER

7:31 P.M.

COMMENTS FROM CITIZENS AND OPEN DISCUSSION

ACCEPT MINUTES OF MEETING JULY 12, 1993

NEW BUSINESS

WARRANTS & COMMUNICATIONS

REVIEW R.F.P. ON NEW BUILDING

WATER RESTRICTIONS

ACORN PARK

SPECIAL DISTRICT MEETING

<u>OLD BUSINESS</u>

GARAGE ADDITION

CONANT SITE #2

LAWN SPRINKLER LETTERS

BOTTLED WATER

#### **ANDERSON & KREIGER**

ATTORNEYS AT LAW

STEPHEN D. ANDERSON (Also Admitted in CT)

ARTHUR P. KREIGER
(Also Admitted In NY)

GEORGE A. HALL, JR.

ALLAN R. FIERCE
(Also Admitted In IL)

CYNTHIA HESLEN
(Also Admitted In VT)

The Bulfinch Building 47 Thorndike Street Cambridge, MA 02141 (617) 252-6575 FAX (617) 252-6899

Western Mass. Office:

20 Federal Street, Suite 1 Greenfield, MA 01301 (413) 774-3392 FAX (413) 774-2845

August 5, 1993

John Murray Assistant Acton Town Manager 742 Main Street Acton, MA

Re: Town of Acton v. W.R. Grace & Co. -- Conn.

Civil Action No. 90-12356K

Dear John:

Bill Cheeseman still has not been able to speak with Mark Stoler about Acton's last settlement offer. Today, Bill spoke with Judge Keaton's clerk and arranged to continue the deadline for submission of a joint statement of facts to September 13, 1993. The follow-up conference with Judge Keaton has also been rescheduled to September 24, 1993.

Meanwhile, Bill Cheeseman will continue trying to reach Mark Stoler. I will keep you advised.

Sincerely,

Allan R. Fierce

ARF/jec

ACT/COST/339/Murray.001

# INTERDEPARTMENTAL COMMUNICATION TOWN MANAGER'S OFFICE

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**DATE:** 8/11/93

TO: F. Dore' Hunter

FROM: Christine M. Joyce

SUBJECT: 1993-94 Schedule

Per our conversation, I have tentatively set the following dates for the Board of Selectmen's Meetings through April. It does not appear to conflict with any recognized holidays or religious days. Please let me know if you concur with these dates so that I can notify the Town Clerk and Municipal Properties for scheduling of rooms and postings.

Sept. 7, 21
Oct. 5, 19
Nov. 2 (after 8:00 election day), 16, 30
Dec. 14,
Jan. 4, 18
Feb. 2, 16
March 1, 15, 29
April 12, 26

cc: Andrea, MP Barbara, TC

CC 1st pg early File earline pkg

#### ROPES & GRAY ONE INTERNATIONAL PLACE BOSTON, MASSACHUSETTS 02110-2624

30 KENNEDY PLAZA PROVIDENCE, R. I. 02903 (401) 455-4400 TELECOPIER: (401) 455-4401

(617) 951-7000

TELECOPIER: (617) 951-7050

Writer's Direct Dial Number: (617) 951-7219

IOOI PENNSYLVANIA AVENUE, N. W. SUITE IZON SOUTH WASHINGTON, D. C. 20004 (202) 626 · 3900 TELECOPIER: (202) 626-3961

August 2, 1993

AUG \_ 4 1933

#### BY HAND

Mr. Kenneth A. Marchurs Deputy State Auditor Division of Local Mandates 100 Nashua Street, Room 1010 Boston, MA 02114

Re: Acton-Boxborough Regional School District

Dear Ken:

At Henry Hall's suggestion, I am forwarding to you a request for determination of local mandate by the Towns of Acton and Boxborough. The materials were delayed in getting to you as we were awaiting the passage of Chapter 71 of the Acts of 1993, which, as you know, has extended the protections against mandates to regional school districts.

Thank you for your assistance on this matter.

Very truly yours,

JEM/: JEM82MAR.AB Enclosure

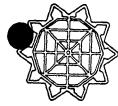
Mr. William Ryan

Board of Selectmen Town of Acton

Board of Selectmen Town of Boxborough

Mr. Mark Paré

Mr. James R. Fuller Ms. Ann Bingham, Esq. Henry L. Hall, Jr., Esq.



#### Massachusetts Municipal Association

Sixty Temple Place

Boston, Massachusetts O

(800) 882-1498

Boston, Massachusetts 02111 (617) 426-7272 FAX (617) 695-1314

August 5, 1993

Dear MMA Member,

I am writing to solicit suggestions for MMA's 1994 legislative package.

Each fall, MMA's policy committees review, discuss and recommend legislative proposals for the MMA Board of Directors to approve as part of the next year's legislative agenda to advance the concerns of cities and towns.

This year we are under a condensed time frame, because all legislative proposals must be filed with the Clerk of the House or the Clerk of the Senate by 5:00 p.m. on November 3rd, the first Wednesday in November.

Please submit any suggestions that you may have by September 1st. All proposals will be referred to the appropriate policy committee for discussion and a vote to decide whether they will be presented to the Board of Directors for approval. The Board will be meeting on October 12th to set the 1994 legislative package.

Please mail or fax your ideas to the attention of the MMA's Legislative Division. If you have any questions or comments, please call David Baier or Marie Johnson at (617) 426-7272 or (800) 882-1498.

Thank you very much.

Geoff Beckwith

**Executive Director** 

Wine of August 10, 1993 y. McNiff Acton Police Dept. Azten, MA 01720 Dear U. McNiff: As you requested, I am writing to untim that we will be holding a block party on Mohegan Road, Saturday, August 14 (roundate of funday, August 15). We plan to block of the end of the wood, between Seneca Rd and Frank St from about 4:00 PM until approx. 9:00 PM. I will contact Dick Howe at the Highway Dept. regarding road barriers. If you have any questions, please call me at 264-9031. Thanks for you kelp Karen H. Coll 16 Mohepan Road 264-9031

TOWN OF ACTON 472 Main Street Acton, Massachusetts 01720 Telephone (508) 264-9612 Fax (508) 264-9630

John Murray Assistant Town Manager

August 12, 1993

Mr. Patrick Mathews
Digital Equipment Corporation
Real Estate Division
111 Powdermill Rd.
Maynard, MA 01754

Dear Mr. Mathews,

As per our conversation earlier today, the Board of Selectmen will not support a change in the zoning status of your facility located on Piper Rd. in Acton. The decision was made in the context of the current economy, and was based upon the investment that the Town has made to develop its Master Plan, and obtain citizen approval of that plan.

As I assured you in our telephone conversation, I will notify the Board of Selectmen of your offer to meet with them in public session or privately at their convenience.

Sincerely Yours,

John Murray

Assistant Town Manager



Argeo Paul Cellucci Lieutenant Governor James J. Kerasiotes Secretary Laurinda T. Bedingfield Commissioner

August 4, 1993

Acton: BRIDGE INSPECTION REPORT

Acton Board of Selectmen 472 Main St. Acton, MA 01720

Gentlemen:

Enclosed is a copy of a bridge field inspection report for the Town owned bridge Concord Road over Nashoba Brook, Bridge Plan # A02018.

Please review this report carefully and take the appropriate action in making the recommended repairs and/or corrections listed on it.

If you have any questions regarding this report please call on us. We will be pleased to review it with you and advise you of any programs available for repairing the structure.

Be advised that the District currently has a limited amount of used guard rail which can be made available to municipalities for upgrade of bridge approaches.

If you require any additional information, please call Mr. Mohammed Nabulsi, P.E., District #3 Structures Maintenance Engineer, at (508) 754-7204, extension 220.

Very truly yours,

Peter Donohue

District #3 Highway Director

LAG/ enc.

C-FR, B.I.A.E.

LAG

M.O.File

### 0

# MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS STRUCTURES INSPECTION FIELD REPORT

#### **CULVERT INSPECTION**

ettynown ACTON	bridge dept. no. A-2-18		-structure	na. 101-018-100	90-data inspected 7//3/93
2-dist. 104-highway system / 3 ON SYSTEM	22-owner TOWN	27-year bu	10	%-year rebuilt	7//3/93 11-Integrating 00/./80
43-structure type	IAB	quality con	tral engine	<b>**</b> //	
07-facility carried CONCORD Ref		teamlead		1	4
06-leatures Intersected  NASHOBA	BROOK	team men		1 Amaello	r ·
1/20-	ONARY	Barrels Size Numb			
6) Channel & Channel Protection  a. Channel Scour	7	62 Culvert	& Retair	ning Walls	. 3
b. Embankment Erosion  e. Rip Rap or Stope Paving  d. Debris in Channel  e. Sediment in Channel  f. Vegetation  Waterway Adequacy  a. Opening  b. Alignment  7  7  7  7  7  7  7  7  7  7  7  7  8  7  8  7  7	4 4 8. 8. h.	Roof Floor Walls Headwall Wingwall Breastwall Ercelon Struct. Setimal. Shoulders		k. Wearing Surf.  1. Approach Ser.  2. Guardraff  2. Collision Dan  3. Load Deflect  4. Member Afign	Isce 5 dinnt. 5 nage 7 con 7
Roadway Alignment Appraisers Estimates of General Rating		team leader E Commonly  team members  Barrels  Size  Aud Amnula  Barrels  Size  Number  C. Walls  G. Headwall  G. Headwall  G. Wingwall  G. Breastwall  G. Breastwall  G. Breastwall  G. Breastwall  G. Erosion  Divers Report Date:  Divers Report Date:  STRUCTURE NOT POSTED  Actual Posting  H 3 382  Single  Signs in Place  at bridge  Signs in Place  Actual Posting  Barrels  Land Amnula  All Amnula  Amnula			
Depth of Cover (estimate to nearest foo	0	Actual Postin	9 .	H 3 382	
Traffic Safety Features  1. Rating over culvert		Y or N		. 🔼	$\square$
2. Transitions		ACCESSABII	LITY: · (	HEST WAD	ERS
3. Approach quard.	ान ।				

多常务。		Remarks, Photos a	nd Sketches	
city/town	CTON	bridge dept. no. $A-Z-18$	8-structure no. HUN-401-018-100	90-date inspected 7/13/43
62.K+L	THERE PPPROACH	IS A DEPRESSION	N AT THE SOUTH	ERST (
36.1 + 2.m	THAT IS	HAS WELDED	ULVERT IS "S" VERTICALS TO K TO BE LOOSE,	PIPE
62. D	SOUTH hEA REBAR' G	D WALL TOP HE EXPOSED, UNCHAN	KS A SPALL 2'XZ UGED PROM PREVIOU	1 + 3" w/
NOTE	comme	NTS ON LAST	HED FOR ADUTION  Page of Dive Ri  Lement WIDTHS +	enort
Upte:	IN The This DI UNTIL ALTHOU AT The	PATING Rep 106E Shall be Repails ARE 16H The AC bridge.	port of 1987 e parted at 6 MADE TO D TUAL posting	TO NS ECK, 15 20-25-36

d ...

#### MASSACHUSETTS HIGHWAY DEPARTMENT

# REPORT OF DEFICIENCIES FOUND DURING BRIDGE INSPECTION

eam leader: <u>E</u>	d lexnosky Team C	DATE: 7-/3-93
UBJECT: DIST	RICT 3 CIT	Y/TOWN: Acton
BRIDGE DEPT.	NO. A-2-18 BRID	ge key no. <u>Hun 401-0</u> 1
LOCATION (ITE	M 6) Nashoba Broo	k
(ITE	M 7) Concord Rd	
43- STRUCTURE Masone	type y Slab	
CORRECTIVE DEFICIENCY	HE REPORTED DEFICIENCIES ACTION? YES NOTED ON PREVIOUS REPORT? VIOUS REPORT? /-25-93	YES NO
INSP. REPORT ITEM REF. NO.	DESCRIPTION OF DEFICIENCY	CIRCLE · APPROPRIATE ITEMS
36.1,2,3,4	Up grade all traffic Safety features to State specs.	MAJOR IMMED. REP.
	State specs.	MINOR CRIT. DEF.
62.a,p	Repair cracked masonry	MAJOR MMED. REP.
		MINOR CRIT. DEF.
iz. K,1	Repair depressions and hole in approach areas.	MAJOR IMMED. REP.
	hove the appropriate	MINOR CRIT. DEF.
62 8	Repair spall in South headwall	MAJOR IMMED. REP.
	. (	MINOR CRIT. DEF.
41	Repost All 4 Signs For 6 TONS	MAJOR (IMMED. REP.
		MINOR CRIT. DEF.

ATTACHED BRIDGE INSPECTION FORM DATED 7-13-93

CODE

YABIOTU[]24

(5)

A-2-18

This item shall be coded using an 10-digit code composed of three segments. Segment A is for the need of Special Access Equipment, Segment B is for the type of equipment needed and Segment C is the hours required for a two person inspection team to complete the inspection.

<u>Segment</u>	<u>DESCRIPTION</u> <u>CODE</u>	<u>LENGTH</u>
A	Yes - Special Equipment needed Y	1-digit
	No - Special Equipment NOT needed N	
В	Aerial Bucket	7-digits
С	Actual Hours Required	2-digits

#### Examples:

- A bridge is 70' above the water and located YBIT[][][][]08 on a high volume ADT roadway. The structure has several pile bents. A Boat, an Inspector 50, and Traffic Control for the Inspector 50 is needed. Time required: 1 day (8 hours).
- A bridge is located over a small brook. It N[][][][][][][]02 is a non-dive bridge. No special equipment is needed. <u>Time required</u>: 2 hours.
- C A complex bridge with several types of decks, stringers, piers, and is over water and local streets. Equipment needed includes an Aerial bucket, a Boat, an Inspector 50, a Platform Truck (Other) and roadway Traffic Control. An Underwater Inspection is also required. Time required: 3 days.

[ACCSEQIP.] {SPCLEQIP.}

#### DIVERS ACTIVITY REPORT

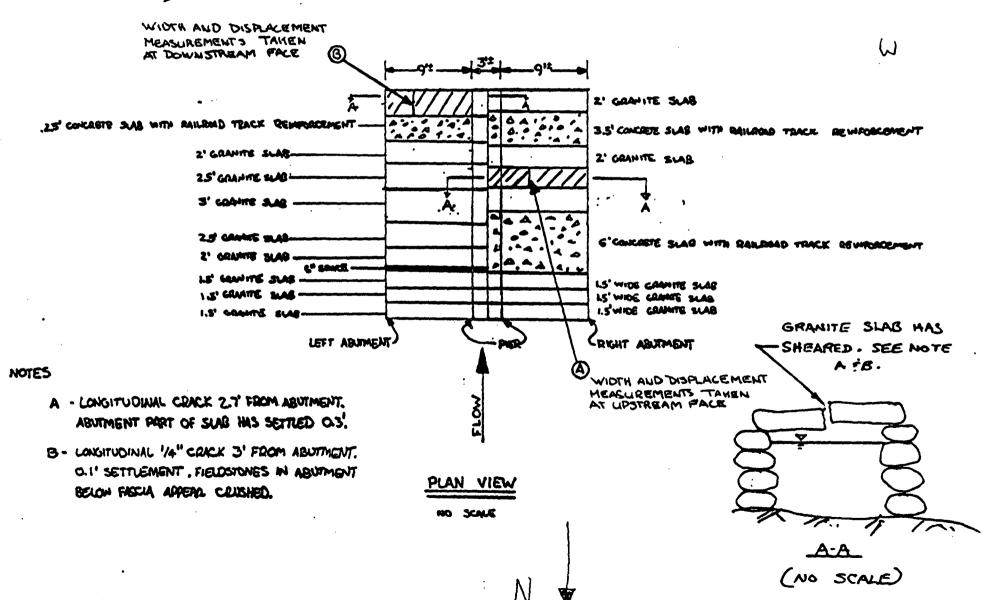
rown Acton	Route Rd	over No	ushoba'	Brook
DIVE TEAM NUMBER	DIVEMASTER			
PERSONNE	·L	Time in water	Dive depth	Type of rig
E. Ternosky			54	Scuba
J. Fitzgerald				
R. Bonica				
TIME CHARGED TO DIVE ACTIVITY				•
BRIDGE MAINTENANCE NO. MUL	1 401 018 100	8	RIDGE NO.	A-2-18
DIVE CONDITIONS Ice ups	tream	·		
BOTTOM CONDITIONS Sand,	gravel, boulders			
current conditions Slight	+			
WATER CONDITIONS (pollution)	Pollution unknown			
VISIBILITY 3't		·		
ACCESS TO BRIDGE (locotion)	mbankment			
REMARKS Two span dry lo 16 granite slabs and track. LEFT SPAN: 8' from upstre cracks (4" wide), one both 1't long. Water lin Displaced granito slab at RIGHT SPAN: 10" Fore downs	aid fieldsforme structures concrete slabs reinam end, z' below grant to hairline to below slab at the upstream face has distinguished and of aboth to the stream and a stream as a stream	nite slab, crack at inspired =	z verho water line echon; echon;	with the
Cracked granite slab lo of slab appears station downstream face. Dis NOTE: WIDTH and DISPLACEME frequency.	la vertical crack, 6° to be cated 8's from downstands, pièce at Dier has placement 16" width the current will be			1

C + -14, 2001

PLAN OF UNDERSIDE OF DECK SHOWING GRANITI SLABS ; CONCRETE REPAIRS. TWO SLABS HAVE SHEARED SINCE REPAIRS WERE MADE.

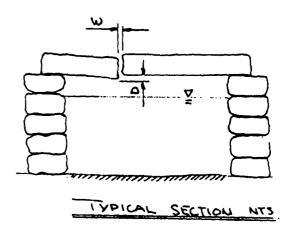
**A** S

E



### DLAB DISPLACEMENT COMPARISON CHART

	E	-	W			
	LEFT '	SPAN	RIGHT 3PAN			
DATE	W	۵	W	D		
2-19-93	15"	40	七"	收"		
7-13-93	1/2	4"	4" 3/8	D 14" 11/2		
			_			
			·			



MASS UNDERWATER OPERATIONS
A-2-18 ACTON
CONCORD RD NASHOBA BROOK
DATE: 2-19-93

is Then I

AUG 1 9 1933

## TOWN OF ACTON INTERDEPARTMENTAL COMMUNICATION

**DATE:** August 19, 1993

TO:

Don P. Johnson, Town Manager

FROM:

Garry Rhodes, Building Commissioner

SUBJECT:

LeLyonnais Restaurant extension request

Site plan 10/23/78-162

This is the second request for an extension of this site plan. The first extension was granted by the Board in October of 1991. They were required to relocate their sign, which was located within the layout of Great Road, back onto their property. This was accomplished within the time given to them by the Board. I do not have any objections if the Board decides to grant the requested extension.

#### ACTON SURVEY & ENGINEERING, INC.

JOHN E. DUNPHY, JR., President

C

#### P.O. BOX 666 • ACTON, MASS. 01720

August 9, 1993

Acton Board of Selectmen Acton Town Hall 472 Main Street Acton, MA 01720

> Re: LeLyonnais Restaurant extention request Site plan 10/23/78-162, as ammended October 23, 1991

Dear Board Members;

On behalf of our clients, Joan and Gerard LaBrosse of Acton, we hereby request an additional one year extention to the current site plan decision.

At the present time, the LaBrosse's are just starting to see a slight upward swing in the economy and are asking for the additional one year extention to be certain that this is a realitity and not just a false start.

Thank you for your consideration in this matter.

Very truly yours,

ACTON SURVEY & ENGINEERING, INC.

John E. Dunphy, Jr., President

cc: Joan and Gerard LaBrosse

File No. 319

Office: 277 Central Street, West Acton (508) 263-3666

17 August 1993

Ms. Laura E. Washburn 154 Willow Street Acton, MA 01720

Dear Ms. Washburn:

This is in response to your letter of 27 July 1993 to the Acton Board of Selectmen. The Board regrets that the cost of a sticker for use of the Acton Transfer Station and the Recycling Pacility continues to increase and appreciates your suggestion for an alternative system which would allow residents to pay by the trip.

First, let me address the \$100.00 pe sticker charge this year. The estimated cost of disposing of Acton's solid waste in this fiscal year is \$1,389,030.00. Secause of this extremely high cost, the Board and the Town's staff direct considerable efforts to reducing this figure and these efforts were described in detail at the April, 1993, Town Meeting under Article 6. To cover these costs, \$828,000.00 is included in the Town's budget and assessed through taxes; the remaining amount of \$561,000.00 is collected through stickers and other fees for use of the Transfer Station. This combination of general taxes and user fees is the most equitable, since not everyone in Acton uses the Transfer Station, and is carefully calculated to maximize sticker and fee revenue while minimizing the sticker and fee costs for residents. As you can see from the above total revenue figure needed to cover the cost of solid waste disposal, the sticker fee of \$100.00 is not even covering the actual cost of disposing of Acton's solid waste.

Secondly, while I recognize that you and your two children seem like a small household, you are very close to the average household in Acton, which according to the 1990 federal census is 2.59 persons per household. While we do not know the average household size of those using the Transfer Station, a fee system that attempted to provide greater equity in this fashion would be more costly to administer and probably still inequitable since individuals' solid waste disposal amounts vary tremendously. Your efforts to recycle are commendable. We are trying to encourage as much recycling as possible in Acton and at this time approximately one—third of our solid waste stream is recycled! Unfortunately, there is still insufficient industry demand for most recycled materials. There is actually a cost incurred by towns in having recycled materials removed, so while recycling helps the environment, it does not reduce our disposal costs.

Laura E. Washburn 17 August 1993 Page 2

Finally, I can respond positively to your request for a single trip fee. In lieu of the \$100.00 sticker charge, residents may make single trips to the Transfer Station for \$10.00 each. This is solely for trash disposal. You may also purchase an annual recycling sticker for \$30.00. Unless you make very few trips to the Transfer Station, it does not save you money, however, it is a way to spread out the cost during the year.

I regret not being able to offer you a very much less expensive alternative, however, I hope that the above information has been helpful. Please feel free to contact our Highway Department staff at 264-9624 if you have any questions about the fee options.

sincerely,

F. Dore Hunter,

cciBOS

AUG 1 7 1993

August 13, 1993

To Selectmen of Acton Boxboro and Stow, Planning Board of Stow, Trudy Coxe of MEPA, EAA, Jim Dedes and Don McPherson of Minuteman Airfield

Subject: Significant problems for the FAA, Stow, Boxboro, Acton and the State's Environmental Protection Agency -- and intent to take legal action

Dear folks:

If I do not get responses to my requests for information about the Stow Airport's safety/expansion plan, I will take legal action. Failure of local, state and federal government groups to protect my family and home from the effects of airport safety/expansion, requires this. Stow, the FAA, the State's EPA (MEPA), the consultant who created the current airport Environmental Notification Form and the airport operator all ignored my requests for information. All have shown no interest in disclosing their actions. In the case of Stow, my requests for information on how Stow would monitor the airport's safety/expansion have gone unanswered, since 1992.

Since no public, state, private or federal group has shown any indication of protecting my family and home -- or are willing to provide information on the safety/expansion, I will. I will delay action if you answer the following questions by September 1, 1993. This is not a tight deadline. You have been asked these questions before.

## QUESTIONS REGARDING RUNWAY 12/30 - (This is the "gravel" runway pointing in the direction of Taylor Road, Harvard Acres and Acton):

How long is runway 12/30? If runway 12/30 is longer than 1,000 feet, when were its expansions done?

How wide is runway 12/30? If it is 70 feet wide, when did it expand from 50 feet?

#### **COMMENT:**

The Master Plan included a Department of Transportation map from the late eighties showing that runway 12/30 was 50 feet wide. The ENF says the runway is 70 feet wide.

Is runway 12/30 still unpaved?

If runway 12/30 is now paved, when was it paved?

For any work done on runway 12/30, what Stow officials approved and/or allowed the expansions and paving?

#### COMMENT:

The airport now claims the runway is 1600 feet long rather than 1000 feet long. The FAA is funding the safety/expansion shown in the 1989 Edwards and Kelcey

Minuteman Airfield Plan. This plan shows the "Existing Airfield Facilities" and a runway 12/30 that is only 1,000 feet long.

#### **QUESTIONS ABOUT AIRPORT LOCATION**

Is it true the Stow airport has already expanded into Boxboro?

Is it true this expansion was done without the knowledge of town officials?

#### **COMMENT:**

The current airport plan shows it has spread to two towns, rather than one town. The airport is now in Boxboro as well as Stow. The <u>Minuteman Airfield Plan</u> shows an airport existing only in Stow. Boxboro's laws do not permit airports.

# QUESTIONS ABOUT DISCREPANCIES IN THE MINUTEMAN AIRFIELD PLAN and the ENVIRONMENTAL NOTIFICATION FORM.

The Federal Aviation Agency (FAA) and the Massachusetts Aeronautics Commission (MAC) agreed to give \$5 to \$8 million of taxpayer money to the private Stow airport. This money was for the safety/expansion described in the "Minuteman Airfield Plan (MMAP)." The newer Environmental Notification Form ("newer ENF") filed with the State shows a much different plan. It depicts an airport that has ALREADY expanded.

Which plan is being funded with the \$5 to \$8 million of taxpayer money?

The "new ENF plan" airport has spread to two towns, rather than one town. The airport is now in Boxboro as well as Stow. The Minuteman Airfield Plan shows an airport existing only in Stow. Boxboro's laws do not permit airports.

#### What is the actual amount of wetlands and forests to be destroyed?

A comparison of the MMAP accepted by the FAA to the "newer ENF plan" yields nasty surprises. Each plan requires a different level of wetland and forest destruction.

# How damaging will the new noise be to Stow, Acton and Boxboro homeowners? Official aviation studies conflict.

Noise statements in the ENF are very wrong, and differ from the noise statements in the MMAP.

The ENF (item G, page 9) says "according to the noise analysis (done for the master plan) no significant increase in noise impact is expected from the proposed project (to pave runway 12/30)".

But, the master plan - despite the claims made in the ENF -- actually says, "Construction of this (12/30 runway) project would ... significantly increase the noise impacts along properties east and west of the airfield, such as along Taylor Road." The

Is FAA employee silence unconscious?
Is FAA management unaware they are funding a "new ENF plan," not the approved (MMAP) plan?

Please be aware that your further failure to disclose what is going on will result in further action on my part. My home and family have already been damaged by past airport expansions. This safety/expansion will be worse. I must fight for our property rights and our right to peace and quiet.

Very truly,

Richard Amann

Richard Amann

13 Adams Drive Stow, MA 01775

(508) 461-0079

#### **ACTON BOARD OF HEALTH**

#### **MINUTES**

MAY 24, 1993

#### MEMBERS PRESENT: Bill McInnis (Chairman)

Cordelia Alfaro

James Barbato

Jonathan Bosworth

Mark Conoby

Peter Vallaincourt (Assoc.)

STAFF PRESENT: Doug Halley (Health Director)

Rose Erdozaincy (Sanitarian)

OTHERS PRESENT: Lisa Wolf

Susan Clarke

Carolyn Hottle

The meeting opened at 7:38 P.M.

#### **REVIEW OF MINUTES:**

Mr. Conoby moved to accept the minutes as written. Mr. Barbato seconded. The motion was approved unanimously by the Board.

#### 188 MAIN STREET UPDATE:

Mr. Halley reported to the Board that the conflict, regarding septic system inspections at 188 Main Street, between ABC Cesspool & Raggs Inc., appears to have been resolved. The owner of that property has decided, based on both reports and to make a viable sale, to design done and construct a new septic system.

#### MASSAGE PRACTITIONER APPLICATION - Carolyn Hottle:

The Board reviewed Ms. Hottle's Massage Practitioner's Application and asked applicable questions which Ms. Hottle answered to the Board's satisfaction. Mr. Conoby moved to grant a Massage Practitioner's License to Ms. Hottle in accordance with the application submitted. Mr. Barbato seconded. The motion was approved unanimously by the Board.

#### **SUSAN CLARK/ ENHALE:**

Susan Clark, a representative from ENHALE, presented updated information regarding indoor pollution. Ms. Clark stated that adaptivity of human beings to chemical substances is questionable. The risk/ benefit of technology/ pollution was discussed. Ms. Clark had many points including:

The fallacy regarding dose relationship to toxicity of chemicals.

The focus on mortality reports rather than morbidity reports (morbidity being difficult to document).

Cancer tracking consistently at the expense of other types of illnesses. The medical community's belief in being academically vigorous but largely ignoring toxicology in courses of classical training.

Ms. Clark explained the built in bias of Epidemiology, invisibility of toxins (one asbestos fiber can cause cancer). People can not choose to breathe air, it is a necessity. Multiple Chemical Sensitivity Syndrome - affects brain waves & in some individuals,

stimulation by smoke or toluene, can cause seizures. Ms. Clark disseminated literature, lists of environmentally responsible cleaning products. The Board asked questions regarding her goals and thanked Ms. Clark for her presentation.

#### **CITGO HAZ-MAT PERMIT:**

Mr. Halley presented to the Board the details of the inspection which has been conducted of the Citgo facility on Central St. A list of recommended conditions was also presented to the Board. Secondary containment of the on site oil tanks was discussed. The issue of existing empty tanks in the rear of the property was also discussed. The Board stated that if there are no plans to use them in the immediate future they should be removed. If they are to be placed in service they must be checked for tightness and integrity prior to re-filling or re-use. The Board asked the department to re-inspect the site in regards to storage of fuel vehicles over night. The permit hearing will be re-scheduled after the additional information is developed. Mr. Barbato moved to table the permit application. Mr. Conoby seconded. The Board unanimously approved the motion.

#### **8 CASTLE DRIVE VARIANCE:**

The applicants have requested the Board grant a variance for construction of a slab within 10' of an existing septic tank at 8 Castle Drive. The proposed distance will be 7'-4". Mr. Halley noted that a similar variance had been granted previously by the Board for construction at 4 Castle Drive. It was recommended that the septic tank be pumped and the bottom elevation of the septic tank be verified and that the bottom elevations of the proposed footings be no greater than 2' above the bottom elevation of the septic tank. Mr. Conoby moved to grant the variance with the recommended conditions set by the Health Department. Ms. Alfaro seconded. The Board unanimously approved the motion.

#### DAY CARE LICENSES:

Mr. Halley informed thew Board that they needed to determine on whether they should re-apply for designation as Day Care Inspectors for the Town of Acton. The Board determined that with the hiring of a full time nurse position, this designation should continue. Mr. Bosworth moved to inform the Office for Children of the Board's intent to continue to be the State's designated inspector for the Town of Acton. Mr. Barbato seconded. The Board unanimously approved the motion.

Mr. Conoby moved to adjourn the meeting. Ms. Alfaro seconded. The Board unanimously approved the motion.

Respectfully Submitted,

Doug Halley

Health Director

William McInnis

Chairman

CC: BOS

VCC

1. CON 8/19

14 August 1993

Chairman, Board of Selectman Town of Acton

Dear Nancy:

I have decided to sell my home in Acton and move to South Carolina. Therefore please accept my resignation from the Board of Assessors and the Prison Advisory Committee. I expect to be moving in mid October and will cominue to serve on the boards until that time. It is with deep regret that I leave Acton and the many friends that Sally and I had here but I need to get on with my life and think that I will be more comfortable in a warmer climate. Thanks for everything.

Sincerely,

Harold R. Gordinier

#### ACTON PLANNING BOARD

#### NOTICE OF PUBLIC HEARING

#### ZONING BYLAW AMENDMENTS

The Acton Planning Board will hold a public hearing on Monday, September 13, 1993, at 8:30 PM in ROOM 204 of the ACTON TOWN HALL, 472 Main Street, Acton, Massachusetts. The hearing will be on the following proposed amendments to the Town of Acton Zoning Bylaw:

- a) Amend Zoning Map to rezone certain parcels in West Acton to Article 1: Village Residential District;
  - b) Amend Zoning Map to rezone certain parcels in West Acton to Residence 2 District;
  - c) Amend Zoning Map to rezone certain parcels in West Acton to West Acton Village District;
- a) Amend Section 3, Table of Principle Uses, WAV column; Article 2:
- b) Amend Section 3.5.5, Hotel, Inn or Motel;
  a) Amend Section 5.5.2, Maximum Floor Area of Establishments; Article 3:
  - b) Add new Sections 5.5.1.1 & 5.5.5;
  - c) Amend Section 5, Table of Standard Dimensional Regulations, WAV
- Article 4: a) Amend Section 2.1, Classification of Districts, to add new Village Residential District;
  - b) Amend Section 3, Table of Principal Uses, to add Village Residential District:
  - c) Amend Section 3, Table of Principal Uses, to add footnotes;
  - d) Amend Section 5, Table of Standard Dimensional Regulations, to add Village Residential District;
- Amend Section 6, Parking Standards, to add provisions for parking in Article 5: West Acton Village;
- Housekeeping Amendments to change references; Article 6:
- Amend Section 10.4., Site Plan Special Permit, to add new sections Article 7: 10.4.1, 10.4.1.1, 10.4.1.2, 10.4.3.9

Draft copies of the proposed amendments are available at the offices of the Planning Board and Town Clerk in Town Hall.





cc: BOS Report in RF

August 13, 1993

#### Dear Chief Elected Official:

Please find attached comments received to date on the Regional Transportation Plan. A copy of the draft plan was mailed to you during the week of August 2nd. MAPC will produce a final appendix of all comments shortly after the September 3rd comment deadline. Copies will be available upon request at the MAPC Public Information Office.

If you have comments on the Regional Transportation Plan please send them to:

Public Information Officer Metropolitan Area Planning Council 60 Temple Place Boston, MA 02111 (FAX) 617-482-7185

We encourage your participation.

Sincerely,

David C. Soule Executive Director

cc: MAPC Community Representatives (letter only)

Municipal Administrators and Managers (letter only)

MPO Agencies

452 MAIN ST. ACTON MA 01720

SELECTMEN'S OFFICE 472 MAIN ST ACTON MA 01720

TO WHOM IT MAY CONCERN

I AM WRITING THIS LETTER TO EXPRESS AN OPINION ABOUT THE TRAFFIC PATTERNS CURRENTLY BEING DISCUSSED FOR THE INTERSECTION OF MAIN ST. (RTE 27), CONCORD RD. AND NEWTOWN RD.

I FEEL THAT A FOUR WAY STOP IS THE BEST SOLUTION. THERE WILL BE NO NEED TO CHANGE THE NUMBER OF LANES FOUND ON THESE ROADS. THE STOPS SIGNS WILL NOT DETRACT FROM THE HISTORICAL AREA, AS SAY AN INTERSECTION WITH LIGHTS WOULD. THE FOUR WAY STOP WILL ALSO SLOW SPEEDS REACHED ON 27 AND HOPEFULLY REDUCE THE NUMBER OF PEOPLE WHO USE THIS AS A COMMUTER ROUTE.

BEING A RESIDENT IN THE HISTORICAL AREA OF ACTON CENTER THERE IS A NEED FOR SOMETHING TO BE DONE AT THIS INTERSECTION. I DON'T KNOW THE NUMBERS, BUT THERE ARE A LOT OF ACCIDENTS AND CLOSE CALLS IN THIS AREA. ANY TIME SPENT TO RESOLVE THIS PROBLEM WOULD BE GREATLY APPRECIATED.

SINCERELY YOURS,

KRISTOPHER D. ELLICKS

July 26, 1993

Board of Selectmen Town of Acton 472 Main Street Acton, MA 01720

RE: MBTA Commuter Parking Lot Parking Space Allocation

Dear Board of Selectmen:

At the South Action MBTA Commuter Parking Lot at 7:25 this morning there were 5-10 parking spaces left for non-Acton residents and <u>55-60</u> spaces available for Acton residents. Last Friday morning at 7:30 the corresponding numbers were 10-15 spaces remaining for non-residents and 50 available for Acton residents.

Clearly, the allocation of parking spaces between residents and non-residents needs to be adjusted. I'm surprised it hasn't been done yet. Has no one involved in the decision regarding how to allocate parking spaces been out to the commuter parking lot to check their decision against <u>reality</u>?

Sincerely,

Mary Anne Skinner

35 Swanson Court, D-33

Boxborough, MA 01719

(508) 263-1640 (H)

(617) 742-8575 (W)

## Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

# Attention Local Elected Officials, Administrators and Managers

### State Briefing on Proposed New Ridesharing Regulations

#### WHAT DOES THIS MEAN FOR YOUR COMMUNITY?

Proposed new ridesharing regulations will impact your community! Elected officials and community administrators are urged to attend a briefing by Commissioner Greenbaum on this and other Clean Air Action Plan for Transportation Task Force findings on:

DATE:

Monday, September 13, 1993

TIME:

9:00 a.m. - 12:00 p.m.

PLACE:

**HOST COMMUNITY:** 

Mayor Mann & the City of Newton

**Newton City Hall** 

1000 Commonwealth Avenue

Newton, MA

Task Force findings will be considered by the DEP State Implementation Plan (SIP) Steering Committee for submittal to the U.S. Environmental Protection Agency on November 15, 1993. MAPC will mail the Task Force findings to each community in preparation for the meeting on Monday the 13th. Call Rachel Kuropatwa for more information.

cc: 80S

#### TOWN OF ACTON

#### INTER-DEPARTMENTAL COMMUNICATION

DATE: 8/13/93

TO:

Don P. Johnson, Town Manager

FROM:

Dennis P. Ring, Engineering Assistant

SUBJECT: TRUCK EXCLUSION - WILLOW ST.

We have reviewed the possibility of a truck exclusion on Willow Street as outlined in a letter from Mr. George Olson of Stow. We have the following findings and recommendations:

- 1. Section 10A-9 of the Massachusetts Amendments to the Manual on Uniform Traffic Control Devices (MUTCD) lists conditions and warrants for heavy commercial vehicle exclusion (copy attached).
- 2. Although no alternative route was proposed, we would assume that truck traffic from Acton to Stow on Willow Street would be diverted south on Central Street to Martin Street, to Stow Street, to South Acton Road in Stow, and vice versa for traffic from Stow to Acton. This route would require written approval from the Board of Selectmen.
- 3. In our opinion, Willow Street is adequately constructed for commercial traffic, and the Central St./Martin St./Stow St. route is not a suitable alternative. Martin Street is comparatively narrower than Willow Street and the geometry at the intersection of Stow Street, Martin Street, Maple Street and Liberty Street is not particularly well suited for an increase in truck traffic. We should also note that the residents of Stow Street and Central Street will most likely object to this alternate route, considering that their streets already carry a proportionate share of commercial traffic.
- 4. An automated axle classification count was taken by this department from 8/3/93 to 8/5/93 to determine the percentage of heavy commercial vehicles. For an average 24 hour period, the counts indicated a volume of 5.9% of the vehicles were larger than single unit type vehicles such as buses and oil delivery trucks. Although this volume is within the specified range of 5%-8% to warrant an exclusion, Section 10A.9 of the MUTCD also states that the volume must be causing substantial reductions in capacity or safety on the road. In our opinion, no such reductions exist, although we should note from our experiences that Willow Street would benefit from radar enforcement of the posted speed limits.
- 5. Finally, we contacted Mr. William Wrigley, Town Administrator in Stow, to see what actions he planned to take on initiating an exclusion. His response was that he had no plans to pursue an exclusion with the Massachusetts Highway Department. At this time, I believe we can consider this a closed issue. However, the Selectmen may wish to draft a letter to the Town of Stow and to the Massachusetts Highway Department indicating disapproval of any exclusion or alternate route within Acton.

If you have any questions or need additional information, please let me know.

cc: Mass. Highway Dept. Wm. Wrigley, Stow

ction 10A-9 Heavy Commercial Vehicle Exclusion

A truck exclusion from a municipal way may be authorized provided a suitable alternate route is available. The alternate route shall have an effective width and pavement structure which can safely accommodate the additional truck traffic. In addition the alternate route must meet one of the following conditions:

- 1. Lie wholly within the community making application,
- 2. Lie partially in an adjacent community but only on State Highway,
- or 3. Lie partially in an adjacent community but have the adjacent community's written approval.

An engineering study, as outlined in the Data requested below, must be made. In addition, one or more of the following may be sufficient justification for a truck exclusion:

#### 1. WARRANTS

- A. A volume of heavy commercial vehicles, which usually is in the range of five (5) to eight (8) percent, reduces the utilization of the facility and is cause for a substantial reduction in capacity or safety.
- B. The condition of the pavement structure of the route to be excluded indicates that further repeated heavy wheel loads will result in severe deterioration of the roadway.
- C. Notwithstanding the foregoing, in certain instances where land use is primarily residential in nature and a municipality has requested an exclusion only during hours of darkness, a specific night exclusion may be granted.

#### 2. DATA

Before the Department can consider an exclusion proposal, the following data must be submitted by the municipality:

- A. A twenty-four hour consecutive count of all vehicles using the subject street. (If the exclusion is requested for only twelve hours, a twelve-hour count will suffice.) The count shall be broken into one-half hour intervals showing:
  - 1. Commercial vehicles with a carrying capacity over 2½ tons
  - 2. Other vehicles
- B. Map of the area, with the excluded street marked in red, the alternate route in green.
- C. Physical characteristics of extuded and alternate streets in question, i.e., length, width, type and condition of surface and sidewalks.
- D. Types of buildings or property abutting street (Residential, Business, School, Playground, etc.).

TOWN OF ACTON ENGINEERING DEPARTMENT

SITE CODE:: 000046

Location : POLE 46 @ 179 WILLOW ST. S.B.

CYCLES CARS

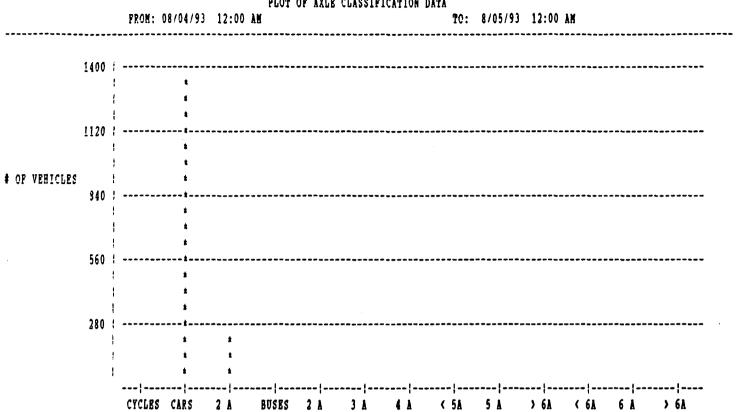
+ TRL LONG

Counter # : 5000-4 Operator : D. RING

PAGE: 1 PILE: C-WIL046

DATE: 8/04/93





6 TIRE SING SING DOUB DOUB DOUB MULTI MULTI MULTI

2 A BUSES 2 A 3 A 4 A

PAGE: 1

FILE: C-WILO47

SITE CODE : 000047

Location : POLE 47 @ 179 WILLOW ST. N.B.

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Operator : D. RING DATE: 8/04/93

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TOWN OF ACTON ENGINEERING DEPARTMENT

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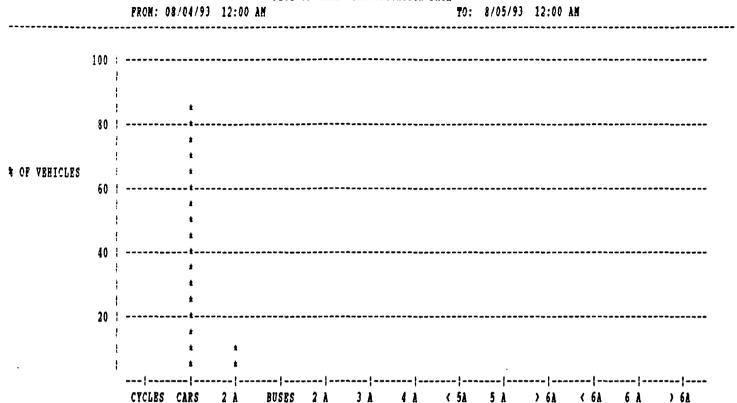
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#### PLOT OF AXLE CLASSIFICATION DATA



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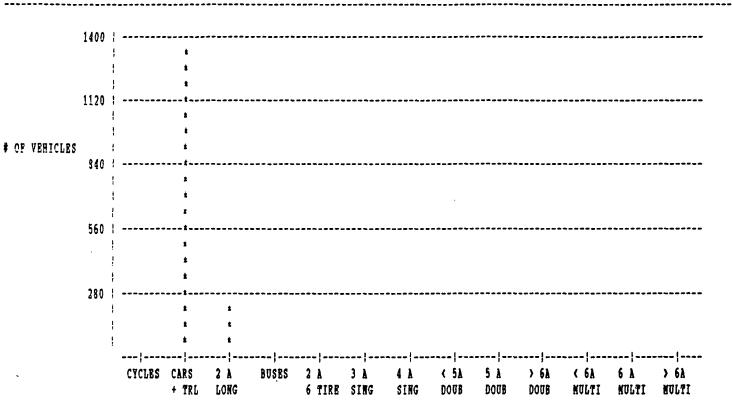
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FILE: C-WILO47

DATE: 8/04/93

#### PLOT OF AXLE CLASSIFICATION DATA

FROM: 08/04/93 12:00 AM TO: 8/05/93 12:00 AM



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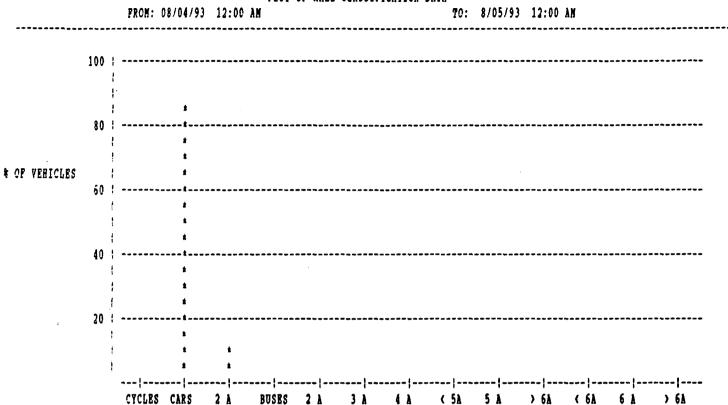
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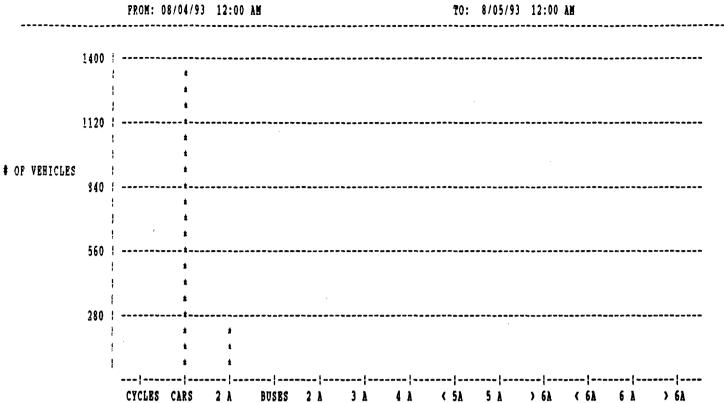
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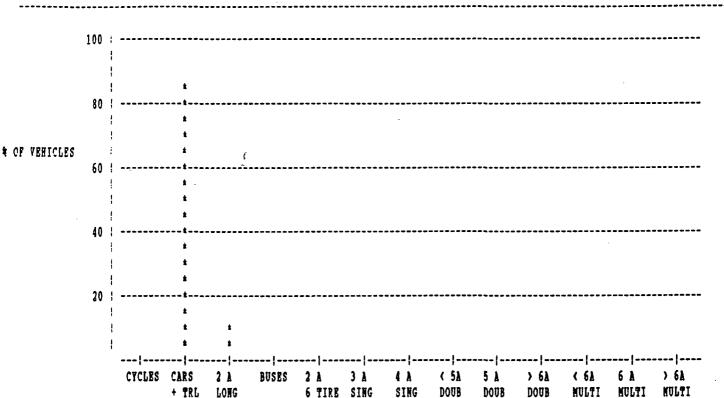
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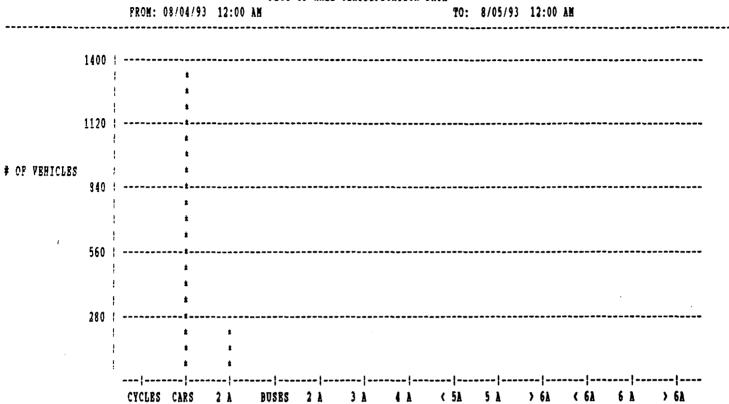
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### **ACTON BOARD OF HEALTH**

### **MINUTES**

MAY 10, 1993

MEMBERS PRESENT: Bill McInnis (Chairman)

Cordelia Alfaro

Jonathan Bosworth

Mark Conoby

STAFF PRESENT: Doug Halley (Health Director)

Mary Ellen Mayo (Nursing Administrator)

OTHERS PRESENT: Jean Worfolk (P.A.C.)

Ruth Porter (FANS)

Margaret Richter (FANS)

Dan Costello (FANS)

Rita Dolan (FANS)

Carol Gilbert (Fitchburg St.)

Rosie Berry (FANS)

The meeting opened at 7:45 P.M.

### **NURSING SERVICE DISCUSSION:**

Bill McInnis opened the meeting with brief introductions. Bill discussed the objectives of the task group and the direction that has been given by the Board of Selectmen.

The participants discussed the need for a public health nursing service (responsiveness, quality control, personal care, community involvement). Bill outlined

the schedule of a progress report by early July and a final report by September.

The group discussed developing information on an ideal Nursing Service. Comparing the model agency with the reality agency was also discussed, along with how the present agency can move towards the model goal. Bill stressed that the Nursing Service can not have a deficit nor cost the taxpayers any money. Ms. Gilbert said that if the Nursing Service is required to earn its own keep than it must be given more financial independence.

Mr. Halley explained to the group the current status of the Nursing Service and the issues revolving around employee and contractual status. Mr. Costello felt that the town should take whatever action necessary to justify contractual labor. The need to have a supervisor was also discussed. The group divided the study into 5 tasks as follows:

### A. Financial Plan

- 1) 1,5 year plan
  - a) current status
    - \* nominal case
    - \* worst case
  - b) new structure
    - \* preliminary
      - nominal case
      - worst case
    - \* final
      - nominal case
      - worst case

Assigned to this group was Bill, Cordelia, Doug and Mary Ellen

### B. Personnel Status

- 1) Current Status
- 2) Appropriate Classification
- 3) Contract vs employee

Assigned to this group was Mark, Dan, Doug, Mary Ellen and Don Johnson.

### C. Organizational Plan

- 1) Comparison with other agencies
- 2) Comparison with other towns
- 3) Medicare constraints
  - a) current status
  - b) predicted status

Assigned to this group was Rita, Eleanor Voohries, Margery Burgress, Jim Barbato.

### D. Benefit of Service

- 1) Current Benefits
  - a) affective
  - b) financial
- 2) Proposed Structure
  - a) affective
  - b) financial

Assigned to this group Rita, Jean, Margaret, Ruth. Rosie.

E. Community Assessment

1) Demographics

2) Fed/State Government

Assigned to this group was Mary Ellen, Doug.

The financial planning group agreed to meet again on May 24, 1993, at 6:30 P.M., in room 126. The whole group agreed to meet again on June 1, 1993, at 7:30 in room 126. At that time each group should have a working outline of the areas they have been assigned and be in the process of filling in the outline. Mark Conoby moved to adjourn the meeting. Jonathan Bosworth seconded. The motion carried unanimously.

Respectfully Submitted,

Doug Halley

Health Director

William McInnis

Chairman

### **ACTON BOARD OF HEALTH**

### **MINUTES**

MAY 24, 1993

### MEMBERS PRESENT: Bill McInnis (Chairman)

Cordelia Alfaro

James Barbato

Jonathan Bosworth

Mark Conoby

Peter Vallaincourt (Assoc.)

STAFF PRESENT: Doug Halley (Health Director)

Rose Erdozaincy (Sanitarian)

OTHERS PRESENT: Lisa Wolf

Susan Clarke

Carolyn Hottle

The meeting opened at 7:38 P.M.

### **REVIEW OF MINUTES:**

Mr. Conoby moved to accept the minutes as written. Mr. Barbato seconded. The motion was approved unanimously by the Board.

### 188 MAIN STREET UPDATE:

Mr. Halley reported to the Board that the conflict, regarding septic system inspections at 188 Main Street, between ABC Cesspool & Raggs Inc., appears to have been resolved. The owner of that property has decided, based on both reports and to make a viable sale, to design done and construct a new septic system.

### MASSAGE PRACTITIONER APPLICATION - Carolyn Hottle:

The Board reviewed Ms. Hottle's Massage Practitioner's Application and asked applicable questions which Ms. Hottle answered to the Board's satisfaction. Mr. Conoby moved to grant a Massage Practitioner's License to Ms. Hottle in accordance with the application submitted. Mr. Barbato seconded. The motion was approved unanimously by the Board.

### SUSAN CLARK/ ENHALE:

Susan Clark, a representative from ENHALE, presented updated information regarding indoor pollution. Ms. Clark stated that adaptivity of human beings to chemical substances is questionable. The risk/ benefit of technology/ pollution was discussed. Ms. Clark had many points including:

The fallacy regarding dose relationship to toxicity of chemicals.

The focus on mortality reports rather than morbidity reports (morbidity being difficult to document).

Cancer tracking consistently at the expense of other types of illnesses. The medical community's belief in being academically vigorous but largely ignoring toxicology in courses of classical training.

Ms. Clark explained the built in bias of Epidemiology, invisibility of toxins (one asbestos fiber can cause cancer). People can not choose to breathe air, it is a necessity. Multiple Chemical Sensitivity Syndrome - affects brain waves & in some individuals,

stimulation by smoke or toluene, can cause seizures. Ms. Clark disseminated literature, lists of environmentally responsible cleaning products. The Board asked questions regarding her goals and thanked Ms. Clark for her presentation.

### **CITGO HAZ-MAT PERMIT:**

Mr. Halley presented to the Board the details of the inspection which has been conducted of the Citgo facility on Central St. A list of recommended conditions was also presented to the Board. Secondary containment of the on site oil tanks was discussed. The issue of existing empty tanks in the rear of the property was also discussed. The Board stated that if there are no plans to use them in the immediate future they should be removed. If they are to be placed in service they must be checked for tightness and integrity prior to re-filling or re-use. The Board asked the department to re-inspect the site in regards to storage of fuel vehicles over night. The permit hearing will be re-scheduled after the additional information is developed. Mr. Barbato moved to table the permit application. Mr. Conoby seconded. The Board unanimously approved the motion.

### **8 CASTLE DRIVE VARIANCE:**

The applicants have requested the Board grant a variance for construction of a slab within 10' of an existing septic tank at 8 Castle Drive. The proposed distance will be 7'-4". Mr. Halley noted that a similar variance had been granted previously by the Board for construction at 4 Castle Drive. It was recommended that the septic tank be pumped and the bottom elevation of the septic tank be verified and that the bottom elevations of the proposed footings be no greater than 2' above the bottom elevation of the septic tank. Mr. Conoby moved to grant the variance with the recommended conditions set by the Health Department. Ms. Alfaro seconded. The Board unanimously approved the motion.

### **DAY CARE LICENSES:**

Mr. Halley informed thew Board that they needed to determine on whether they should re-apply for designation as Day Care Inspectors for the Town of Acton. The Board determined that with the hiring of a full time nurse position, this designation should continue. Mr. Bosworth moved to inform the Office for Children of the Board's intent to continue to be the State's designated inspector for the Town of Acton. Mr. Barbato seconded. The Board unanimously approved the motion.

Mr. Conoby moved to adjourn the meeting. Ms. Alfaro seconded. The Board unanimously approved the motion.

Respectfully Submitted.

Doug Halley

Health Director

William McInnis

Chairman

AUG 17 1993 CC: BOS VCC 1. CON 8/19

14 August 1993

Chairman, Board of Selectman Town of Acton

Dear Nancy:

I have decided to sell my home in Acton and move to South Carolina. Therefore please accept my resignation from the Board of Assessors and the Prison Advisory Committee. I expect to be moving in mid October and will continue to serve on the boards until that time. It is with deep regret that I leave Acton and the many friends that Sally and I had here but I need to get on with my life and think that I will be more comfortable in a warmer climate. Thanks for everything.

Sincerely,

Harold R. Gordinier

### **ACTON PLANNING BOARD**

### NOTICE OF PUBLIC HEARING

### ZONING BYLAW AMENDMENTS

The Acton Planning Board will hold a public hearing on Monday, September 13, 1993, at 8:30 PM in ROOM 204 of the ACTON TOWN HALL, 472 Main Street, Acton, Massachusetts. The hearing will be on the following proposed amendments to the Town of Acton Zoning Bylaw:

- a) Amend Zoning Map to rezone certain parcels in West Acton to Article 1: Village Residential District;
  - b) Amend Zoning Map to rezone certain parcels in West Acton to Residence 2 District;
  - c) Amend Zoning Map to rezone certain parcels in West Acton to West Acton Village District;
- a) Amend Section 3, Table of Principle Uses, WAV column;
  b) Amend Section 3.5.5, Hotel, Inn or Motel; Article 2:
- a) Amend Section 5.5.2, Maximum Floor Area of Establishments; Article 3:
  - b) Add new Sections 5.5.1.1 & 5.5.5; c) Amend Section 5, Table of Standard Dimensional Regulations, WAV
- Article 4: a) Amend Section 2.1, Classification of Districts, to add new Village Residential District;
  - b) Amend Section 3, Table of Principal Uses, to add Village Residential District:
  - c) Amend Section 3, Table of Principal Uses, to add footnotes;
  - d) Amend Section 5, Table of Standard Dimensional Regulations, to add Village Residential District:
- Amend Section 6, Parking Standards, to add provisions for parking in Article 5: West Acton Village;
- Housekeeping Amendments to change references; Article 6:
- Amend Section 10.4., Site Plan Special Permit, to add new sections Article 7: 10.4.1, 10.4.1.1, 10.4.1.2, 10.4.3.9

Draft copies of the proposed amendments are available at the offices of the Planning Board and Town Clerk in Town Hall.





CC: BOS Report in RF

August 13, 1993

### Dear Chief Elected Official:

Please find attached comments received to date on the Regional Transportation Plan. A copy of the draft plan was mailed to you during the week of August 2nd. MAPC will produce a final appendix of all comments shortly after the September 3rd comment deadline. Copies will be available upon request at the MAPC Public Information Office.

If you have comments on the Regional Transportation Plan please send them to:

Public Information Officer Metropolitan Area Planning Council 60 Temple Place Boston, MA 02111 (FAX) 617-482-7185

We encourage your participation.

Sincerely,

CC:

David C. Soule Executive Director

MAPC Community Representatives (letter only)

Municipal Administrators and Managers (letter only)

**MPO** Agencies

452 MAIN ST. ACTON MA 01720

SELECTMEN'S OFFICE 472 MAIN ST ACTON MA 01720

TO WHOM IT MAY CONCERN

I AM WRITING THIS LETTER TO EXPRESS AN OPINION ABOUT THE TRAFFIC PATTERNS CURRENTLY BEING DISCUSSED FOR THE INTERSECTION OF MAIN ST. (RTE 27), CONCORD RD. AND NEWTOWN RD.

I FEEL THAT A FOUR WAY STOP IS THE BEST SOLUTION. THERE WILL BE NO NEED TO CHANGE THE NUMBER OF LANES FOUND ON THESE ROADS. THE STOPS SIGNS WILL NOT DETRACT FROM THE HISTORICAL AREA, AS SAY AN INTERSECTION WITH LIGHTS WOULD. THE FOUR WAY STOP WILL ALSO SLOW SPEEDS REACHED ON 27 AND HOPEFULLY REDUCE THE NUMBER OF PEOPLE WHO USE THIS AS A COMMUTER ROUTE.

BEING A RESIDENT IN THE HISTORICAL AREA OF ACTON CENTER THERE IS A NEED FOR SOMETHING TO BE DONE AT THIS INTERSECTION. I DON'T KNOW THE NUMBERS, BUT THERE ARE A LOT OF ACCIDENTS AND CLOSE CALLS IN THIS AREA. ANY TIME SPENT TO RESOLVE THIS PROBLEM WOULD BE GREATLY APPRECIATED.

SINCERELY YOURS,

KRISTOPHER D. ELLICKS

August 16, 1993



AUG | 9 1933

20 West Street, Boston, MA 02111-1218 (617) 542-3602 FAX: (617) 426-4344 TDD (617) 556-4095

Special Notice of Important Seminar on the new Education Reform Act!

TO:

Selectmen, Town Managers, Mayors

and other municipal officials

FROM:

Monica Lawton

Massachusetts Bar Association

**Education Director** 

Doné Bill Am gen - ger
Don - ger

As you know, the new Education Reform Act is about to change public education in Massachusetts in dramatic ways.

If you haven't yet had an opportunity to learn the details of the new law, or if you still have unanswered questions, you may want to attend our 3-hour seminar on September 9 — just in time for the start of the new school year.

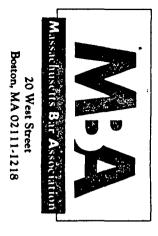
We have assembled a panel of lawyers, educators and municipal representatives who know the law inside and out and will explain key provisions as well as plans for implementation. You'll get information that will be important for you to have at your fingertips in your role as a municipal official.

Registration for non-lawyers and members of the Massachusetts Municipal Association is discounted to just \$35 and will include written materials as well as the seminar itself.

The seminar is open to anyone who needs to know about this major new law and we encourage you to invite other city or town officials who might be interested. If you would like additional copies of the brochure, please give us a call — we'd be happy to send them to you!

We hope you will be able to join us at the Newton Marriott on September 9.

P.S. Seating is limited so we encourage you to send your registration as quickly as possible. You may register by mail using check or purchase order, or by telephone using credit card. If you have questions, please call us at (617) 542-3602, ext. 313.



# The Education Reform Act of 1993

### A seminar co-sponsored by

The Massachusetts Bar Association's
Public Law Section and
The City Solicitors and Town Counsel
Association

Thursday, September 9, 1993 4:00 – 7:00 p.m. Marriott Hotel, Newton

FIRST CLASS

J.S. POSTAGE PAID

BOSTON, MASS.

PERMIT NO. 58686



### Directions

### **Marriott Hotel, Newton**

Commonwealth Ave. at Rt. 128 and the Massachusetts Turnpike

#### From Boston:

Take the Massachusetts Turnpike to the Route 128 exit. After the tollgate, take Route 128 North to Exit 24/Rte 30 towards Newton.

Traveling North on Route 128: Take Exit 24/Route 30.

**South on Route 128:** Take Exit 24/Route 30 East Newton

East on the Massachusetts Turnpike: Take Exit 14 to Route 128 North; Exit 24 to Route 30

West on the Massachusetts Turnpike: Take Exit 15 to Route 128 North; Exit 24 to Route 30

### Coming Soon!

Watch for information on these upcoming seminars:

- How to Deal with Local Boards
- Privatization of Public Works
- Recent Developments in Nonconforming Uses of Real Estate

For further information, please call the MBA Education Office at (617) 542-3602, ext.

# The Education Reform Act of 1993

Thursday, September 9, 1993 • 4:00 – 7:00 p.m.

Marriott Hotel • Newton

The Education Reform Act of 1993 makes sweeping changes in the delivery of educational services in Massachusetts. With the new school year about to begin, it's important to understand the changes and be ready for implementation.

At this seminar you will get an overview of the new law as well as details on key provisions. The panel of educators and legal experts will describe the changes in the governance of local school systems; changes in state and local financing of education; changes in personnel practices as well as collective bargaining procedures; and changes in school district accountability and policy making responsibilities.

### You will get answers to key questions such as:

- What are the new rules on hiring school district personnel?
- How does the law change the role of the school principal?
- How will collective bargaining differ from the past?
- What are the requirements for school personnel certification?
- How must school districts handle professional development?
- What is the regulatory framework of the Department of Education?
- What is the school funding formula and the "maintenance of effort" requirement?

As an attorney, you will get practical advice for your clients on how to implement this very complex law. As a school official, you will learn what changes are necessary to comply with the law in 1993-94 and what educational initiatives must be introduced in subsequent school years.

### **Moderator**

Naomi R. Stonberg, Esq. Law Offices of Naomi R. Stonberg, Wellesley

### **Speakers**

Geoffrey C. Beckwith

Executive Director, Massachusetts Municipal Association, Boston

### Ann Clarke, Esq.

General Counsel

Massachusetts Teachers Association, Boston

### Peter R. Finn

Executive Director, Massachusetts Association of School Superintendents, Boston

### **Edward Moscovitch**

Economist

Cape Ann Economics, Rockport

### Rhoda E. Schneider, Esq.

General Counsel

Massachusetts Department of Education, Quincy

### William C. Skulley Jr., Esq.

Chairman

Wakefield School Committee, Wakefield

### Co-sponsored by

The Massachusetts Bar Association's
Public Law Section and
The City Solicitors and Town Counsel Association

### Registration \*\*\*

The Education Reform Act of 1993. Thursday, September 9... 4:00 - 7:00 p.m.

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OUESTIONS? Please call the Education Office at (617).

542-3602, ext. 312 or 313

Joint Boards of Selectmen Ayer • Harvard • Lancaster • Shirley FT Devens leuse

Working for Ft. Devens' Future

Base Reuse Community Resource Center Fort Devens, Antietam Street, Building P-5 P.O. Box 350, Ayer, MA 01432-0350 (508) 772-6340 Fax (508) 772-7577

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# \*IMPORTANT\*

### **MEMORANDUM**

TO:

Regional Communities

DATE:

August 17, 1993

RE:

Ft. Devens Reuse Plan-Monthly Planning Workshops

As members of the local region what happens to Ft. Devens effects you and the people in your towns and cities. If you think that the closure of the base will not have its impact on your area, think again. Please read the enclosed literature and make this information available to the citizens and officials in your area. Every person in the region has an obligation to get involved and help develop a Reuse Plan. If you have any questions or if there is anything we can help you with, do not hesitate to give the REUSE CENTER a call.

### FT. DEVENS REUSE UPDATE

Working Together for Ft. Devens' Future

Ayer • Harvard • Lancaster • Shirley

Published by the Ft. Devens Reuse Center, P.O. Box 350, Ayer, MA 01432-0350 (508) 772-6340

August 1993 Vol. 1, No. 1 Fax (508) 772-7577

### Welcome...

to the first issue of the Ft. Devens Reuse Update, a monthly highlight of progress and upcoming events to convert Ft. Devens to successful civilian use. We hope this will help to keep you up to speed with rapidly developing plans for the base. Please send along any suggestions you may have for future editions. If you are not on our mailing list and would like to receive this and other notices, please call or write the Ft. Devens Reuse Center, or better yet drop by and visit Monday-Friday from 8:00 am to 5:00 pm.

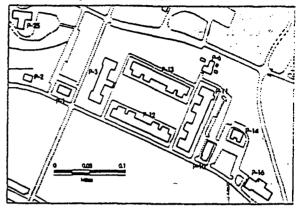
# South Post Preservation Effort Moves Forward

Following an enthusiastic crowded meeting held by Lancaster Selectmen in July, the Joint Boards of Selectmen has joined forces with the Nashua River Watershed Association, Citizens for the OxBow Refuge Expansion, the National Fish and Wildlife Foundation and leading national environmental organizations to seek Congressional action to protect the natural habitat of Ft. Devens' 4,600 acre South Post training area should the Army ever decide to surplus the property. A study conducted by the U.S. Fish and Wildlife Agency last year indicated significant wetlands and potential endangered species habitats on the South Post which are unique to our region. We will be working closely with Congressmen Meehan, Olver and Blute as well as Senators Kennedy and Kerry on this important effort. If you would like to help, call the Reuse Center or Joan Allen at the Nashua River Watershed Association (508) 448-0299.

# Ft. Devens Commissary to Stay Open Under DOD Pilot Program

The 92,000 military retirees in New England who depend on Ft. Devens for benefits and services received good news this week when Senator Kennedy announced approval by the Senate Armed Services Committee of a pilot program to keep the Ft. Devens Commissary open after the base closes in 1995. The new 80,000 square foot Commissary, completed just in 1991, currently has 83 employees and is very popular with local and regional retirees. We will keep you posted with details of the pilot project as they are developed.

### VICKSBURG SQUARE HISTORIC AREA



CONCEPTUAL SITE PLAN
Fort Devices October Founds & Accounting System Facility

# Devens Under Consideration for Defense Finance & Accounting Systems Facility

At the direction of Secretary of Defense Aspin, Base Realignment and Closure military installations such as Ft. Devens are being considered for siting of 5-15 Defense Finance and Accounting System (DFAS) facilities that will each employ between 1,000-4,000 people. Ft. Devens, which has a small DFAS facility already on post, has been asked by the Department of Defense to submit information about buildings suitable for DFAS use. The Joint Boards of Selectmen decided in July that its first priority was to secure a site for Massachusetts. With DOD's new site selection criteria, Ft. Devens may have a better shot this time around. Over 2,000 DOD civilian positions at Devens are threatened by the base closure.

### Prison Med Center Leaps Ahead

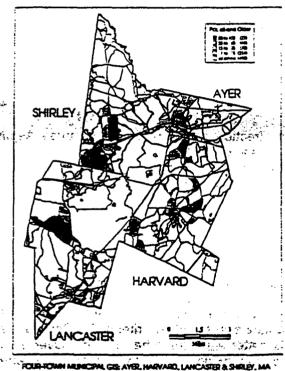
\$ & Environmental Work on Fast-Track
The future Devens Federal Prison Medical Complex
moved two steps closer to reality this month as the
House and Senate approved over \$72 million for
construction in the next fiscal year budget and the
Bureau of Prisons started work the required
environmental reviews. Development of the first
phase, reuse of the existing Cutler Army hospital
will get underway in 1994. The Center will offer
between 350-500 new jobs for the hard hit north
central Massachusetts region and over 1,000
construction jobs.

### Selectmen Re-organize Devens Reuse Effort

At its August meeting, the Joint Boards of Selectmen revamped its two year old base reuse effort to better meet the many demands and opportunities faced by the host communities. Numerous committees and working groups formed over time were consolidated into four main committees:

- Development
- Reuse Planning
- Environment
- South Post/OxBow Refuge

Sub-committees include Federal Prison, Geographic Information System, EnviroTech Center and Moore Airfield. The Joint Planning Boards and other town boards will continue to have a significant role in all aspects of the reuse effort. If you are interested in joining a committee, please call the Ft. Devens Reuse Center.



Reuse Center GIS
Helps to Analyze Municipal

After months of planning and research, the Reuse Center's Geographic Information System (GIS) is up and running, and is already being used by host community public safety officials and other departments to find more cost effective ways to deliver municipal services. Funded by the MA Executive Office of Communities and Development, the Office of Economic Adjustment of the Dept. of Defense and the towns, the GIS will also play a vital role in assisting local and state planners to develop models for reuse of Ft. Devens and to forge local

economic development efforts. The system is available for use by all town boards and agencies.

# Devens EnviroTech Center Concept Begins to Snowball

Academics, industry leaders, environmentalists and state and local officials have been holding regular meetings throughout the summer to develop plans for an Environmental Technology and Training Center at Devens. Conceived at the Ft. Devens Charrette last spring, the EnviroTech Center would assist researchers and industry to develop new environmental technologies and provide training opportunities to meet the demand of the fast growing environmental industry in New England. Early work has sparked the interest of four companies which are looking at developing new technology demonstrations at Devens. Call the Reuse Center for the next meeting date.

# Army, State and Towns Working Together on Environmental Impact Statement

In order to avoid costly delays and legal challenges encountered at other closed military bases, the Army, state and host communities have forged a partnership committing the different levels of government to work together at every step of preparation of the federal Environmental Impact Statement required for base closure. The agreement provides the towns with timely access to environmental data and analysis as it is developed by the Army Corps of Engineers. The towns and the state have agreed to assist the Army by providing information about the region and in accelerating review of documents. Completion of the EIS is scheduled for June of 1995 with state environmental review following several months later.

Reuse Planning Workshops Scheduled

Mark your calendars for five upcoming monthly workshops to develop the Ft. Devens Reuse Plan:

- August 26
  - September 23
  - October 28
  - November 18
  - December 16

Thursday afternoons and evenings from 1-5:00 pm and 6-10:00 pm at the Ft. Devens Officers & Enlisted Club. Call the Reuse Center for more information at (508) 772-6340.

### FT. DEVENS REUSE CALENDAR

August 11, 1993

### AUGUST/OCTOBER 1993

Tuesday Aug. 17, 1993

JOINT PLANNING BOARDS

Hildreth House, Harvard

7:30 pm

Working meeting of host community Planning Boards and interested citizens.

Thursday Aug. 26, 1993

REUSE PLANNING WORKSHOP

Ft. Devens Officers Club

1-5:00 pm and 6-10:00 pm

First of a series of monthly workshops to develop a Ft. Devens Reuse Plan . This workshop will focus on the physical opportunities and constraints, including facilities available for reuse, environmental and infrastructure issues, and ideas from other military bases. Please mark your calendar and plan to participatel

Thursday Sept. 2, 1993

MEPA CITIZENS ADVISORY COMMITTEE MTG

Ft. Devens Reuse Center

7:00 pm

Monthly meeting of Citizen Advisory Committee for the Massachusetts Environmental Policy Act (MEPA) review of Devens reuse plans.

Thursday Sept. 9, 1993

JOINT BOARDS OF SELECTMEN MEETING

Ft. Devens Reuse Center 7:00 pm

Monthly meeting of Selectmen of Ft. Devens host communities of Ayer, Harvard, Lancaster and Shirley. Area residents, interested parties and regional representatives encouraged to attend. Agenda available from Ft. Devens Reuse Center and Towns Halls one week prior to meeting.

Thursday Sept. 23, 1993 REUSE PLANNING WORKSHOP

Ft. Devens Officers Club 1-5:00 pm and 6-10:00 pm

Second of a series of monthly workshops to develop a Ft. Devens Reuse Plan. This workshop will focus on private and public market opportunities, and determining ranges of possible uses for areas of the base. Please mark your calendar and plan to participate!

Thursday Oct. 7, 1993

SUPERFUND TECHNICAL REVIEW COMMITTEE

Building 2602, Ft. Devens

1:30 pm

Quarterly meeting of Ft Devens Superfund clean-up review committee to discuss latest findings of Army investigations and proposed remediation plans.

Thursday Oct. 7, 1993

MEPA CITIZENS ADVISORY COMMITTEE MTG

Ft. Devens Reuse Center

7:00 pm

Monthly meeting of Citizen Advisory Committee for the Massachusetts Environmental Policy Act (MEPA) review of Devens reuse plans.

Thursday Oct. 14, 1993

JOINT BOARDS OF SELECTMEN MEETING

Ft. Devens Reuse Center 7:00 pm

Monthly meeting of Selectmen of Ft. Devens host communities of Ayer, Harvard, Lancaster and Shirley. Area residents, interested parties and regional representatives encouraged to attend. Agenda available from Ft. Devens Reuse Center and Town Halls one week prior to meeting.

Thursday Oct. 28, 1993

REUSE PLANNING WORKSHOP

Ft. Devens Officers Club

1-5:00 pm and 6-10:00 pm

Third of a series of monthly workshops to develop a Ft. Devens Reuse Plan. This workshop will focus on developing reuse alternative plans for the Main and North posts.

FOR ADDITIONAL INFORMATION, please contact Ft. Devens Reuse Center at (508) 772-6340.

### FT. DEVENS REUSE

### PLANNING WORKSHOPS

An invitation for you to decide Ft. Devens' future!

We need your ideas, energy and participation for five monthly workshops starting August 26 to develop the Ft. Devens Reuse Plan.

A partnership effort of the

Ft. Devens Host Communities

Ayer • Harvard • Lancaster • Shirley

& the

Commonwealth of Massachusetts

Massachusetts Gövernments Länd Bank

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### Ft. Devens Reuse Center

Ayer • Harvard • Lancaster • Shirley Bldg. P-5, Antietam Street, Ft. Devens P.O. Box 350, Ayer, MA 01432-0350

Shirley, MA 01464 Permit #24

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Working Together for Ft. Devens' Future

Dated Material Enclosed!

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### FT. DEVENS REUSE **VOLUNTEER OPPORTUNITIES**

If you have a special skill or interest, have a few hours a week or month, and care about the future of Ft. Devens, volunteer to assist with the reuse effort. The Ft. Devens Reuse Center needs volunteers to work on special projects, assist Center staff and participate on working groups and committees.

The second of th Special projects include research of environmental protection and clean-up issues, putting together audio/visual presentations, writing fact sheets, grant applications and flyers, financial analysis and a wide range of other needs we haven't been able to tackle yet. We also need help to build and maintain our database of information about the base, set-up meetings, create mailing lists and respond to inquiries and concerns. Parties interested in locating at Devens need assistance with tours, information packets and developing viable proposals.

Working groups have been established to locus on specific issues, including:

- Federal Prison Medical Complex
   Infrastructure & Services
- Environmental Issues
- Reuse Planning
- Reuse Development

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- antiple entire we want to a second wildlife section
  - Geographic Information System

If you would like to get involved or have any questions, please call, our volunteer coordinator, Marge Shaw, at (508) 772-6340, or stop by the Center (open M-F 8:00 AM - 5:00 PM) or send the form below.

Help us build a successful reuse of Ft. Devensi-

Address  Address  Mail to: Ft. Devens Reuse Center P.O. Box 350 Ayer, MA 01432 Interest Area(s):				
Address  Mail to: Ft. Devens Reuse Center P.O. Box 350 Ayer, MA 01432 Interest Area(s):				
Telephone  Mail to: Ft. Devens Reuse Center P.O. Box 350 Ayer, MA 01432 Interest Area(s):	Organization/Agancy/Firm	#Agree con	lactine about voluntee opportunities	
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	Interest Area(s):			

Ayer • Harvard • Lancaster • Shirley Bidg. P-5, Antietam Street, Ft. Devens P.O. Box 350, Ayer, MA 01432-0350 (508) 772-6340 Fax (508) 772-7577

### FT. DEVENS REUSE CENTER INFORMATION

The Ft. Devens Reuse Center is the focal point for local and state efforts to create a new Ft. Devens when the U.S. Army closes the base in 1995. The Center was established in the summer of 1992 by the Joint Boards of Selectmen of the Ft. Devens host communities of Ayer, Harvard, Lancaster and Shirley, and is open to all parties interested in reuse of the base. The Center serves as an information data bank, meeting place and educational resource for base reuse planning, environmental reviews, Superfund clean-up and reuse development. The Center is funded by the Ft. Devens host communities, the Office of Economic Adjustment of the Dept. of Defense, the U.S. Army, and the Massachusetts Government Land Bank.

### CENTER HOURS

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Monday-Friday 8:00 am-5:00 pm

# RESOURCES AVAILABLE

### Up-to-Date Information and Planning Materials

- Hazardous Waste Superfund Clean-up
- MA Environmental Policy Act (MEPA) and National Environmental Policy Act
   (NEPA) Environmental Reviews for Base Reuse
- Base Reuse Planning Status & Public Participation
- Proposed Reuse Projects, Business & Development Opportunities
- Handouts, Videos & Minutes of Workshops and Meetings
- Building & Infrastructure Information
- Press clippings on Devens closure and reuse
- Planning, Development & Environmental Publications
- Geographic Information System Computer Databases of Münicipal Service & Land Use Planning

### Reuse Planning Meetings & Workshops

The Center sponsors public meetings, planning workshops and educational forums on a wide variety of issues related to the reuse of Ft. Devens. Regular meetings held at the Center include:

- Δ Joint Boards of Selectmen, Ft. Devens Host Communities
- Δ MEPA Citizens Advisory Committee
- Δ Reuse Planning & Development Working Committees

#### Also Available

- Calendar of upcoming workshops, meetings and public comment period deadlines
  - Monthly update newsletter (Call, write or stop by to get on our mailing list)

### FT. DEVENS REUSE CENTER

Announces

MONTHLY PLANNING WORKSHOPS

to develop a

# FT. DEVENS REUSE PLAN

- Open to everyone interested in Ft. Deven's future
- Participants will shape what is to become of the base
- Working sessions designed to put you in the driver's seat

If you can set-aside five days over the next five months to determine the fate of Ft. Devens, please plan to attend these workshops!

Thursday afternoons and evenings from 1-5:00 PM and 6-10:00 PM on the following dates:

August 26 September 23 October 28 November 18 December 16

at the

Ft. Devens Officers/Enlisted Club
Sherman Avenue, Ft. Devens, MA

Sponsored By:

Ft. Devens Host Communities

Ayer • Harvard • Lancaster • Shirley

& the Massachusetts Government Land Bank

with funding from the
Office of Economic Adjustment, U.S. Dept. of Defense

### FT. DEVENS REUSE PLANNING WORKSHOPS

### Who Should Attend?

Residents of the Ft. Devens host communities and surrounding region, business owners, managers and employees of firms affected by the Ft. Devens closure and reuse, Ft. Devens employees, agencies, organizations and firms interested in locating at the new Ft. Devens, local, regional, state and federal officials involved in closure and reuse should all plan to attend. Participants are welcome to attend any workshop or part of a workshop, but each workshop will build on the last one so try to attend all five.

### What is a Preliminary Reuse Plan?

By the end of this year we hope to have built consensus around a preliminary reuse plan that will indicate what types of reuse and development should occur on different parts of Ft. Devens. Experience at other bases emphasizes the need to get all interested parties to work together to develop a plan we can all support. If we can reach consensus on a preliminary plan through these workshops, we will be farther ahead than most base closure communities and ready to tackle the challenge of Ft. Devens' closure. The schedule calls for completion of a preliminary plan by the end of this year, to be followed in 1994 by development of a detailed plan and Town Meeting approvals in late 1994 or early 1995. Ft. Devens will close in late 1995.

### Registration & Briefing Materials

Registration is not required for the workshops and there is no charge or fee. However, if you would like to receive a package of briefing materials prior to each workshop, please visit the Ft. Devens Reuse Center or call us at (508) 772-6340, Monday-Friday 8:00 AM to 5:00 PM, and ask to be put on the Reuse Planning Workshop participant list. Briefing materials will also be available at each workshop and at the Reuse Center one week prior.

### Workshop Leaders

A nationally acclaimed technical planning consultant team, selected jointly by the host communities and the state, will conduct the workshops and prepare briefing materials and supporting data. The team includes: EDAW, Inc., a Virginia based land planning firm experienced in military base reuse and large scale development plans; Vanasse Hangen Brustlin, Inc., a Watertown, MA, based environmental planning and engineering firm; RKG Associates, Inc., one of the most experienced military base reuse market analysis and development firms in the country; Cecil & Rizvi, Inc., a Boston based architectural firm specializing in innovative building reuse; SAR Engineering, Inc., a mechanical and electrical systems engineering company; Meredith & Grew, Inc., one of the most experienced full service market research and brokerage firms in New England; Haley & Aldrich, Inc., hazardous waste and geotechnical specialists; Foley Hoag & Eliot law firm; and, John Lynch, former Deputy Director of the Office of Economic Adjustment and an expert on successful base reuse. This team was selected because of their relevant experience and their commitment to working with us to build consensus for reuse.

### Directions to the Ft. Devens Officers/Enlisted Club

From the Verbeck Gate at W. Main Street go straight on Sherman Avenue, take third left into Officers Club parking lot. From Jackson Gate at Route 2 proceed straight on Jackson Road until end, turn left onto Givry Street and an immediate right onto Sherman Avenue. Proceed on Sherman Avenue to sign on right for Officers Club (at Parade Ground Flag Pole).

For additional Information about the Reuse Planning Workshops or any other Ft. Devens reuse issue, please contact the:

Ft. Devens Reuse Center

Building P-5, Antietam Street, Ft. Devens

Mailing Address:

P.O. Box 350, Ayer, MA 01432-0350

(508) 772-6340 Fax (508) 772-7577



60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

AUG | 9 1933

August 16, 1993

Dear Chief Elected Official:

The MAPC Metropolitan Data Center has recently compiled a set of 1990 census profiles for all 101 MAPC communities. These profiles include data from Summary Tape File 3, which is from the sample count of the 1990 U.S. Census. The data in these profiles are valuable to your community, because they can be used in your local planning projects, in designing service delivery programs and to qualify for the program needs of state and federal grants. Also, since they are from the U.S. Census, these data are only available every ten years.

This new profile set (which also contains profiles of the eight MAPC subregions, the MAPC region as a whole, the state of Massachusetts and the United States) is the second set of 1990 census community profiles produced by the Data Center. The first set, produced last year and available from the Data Center, contains basic population and housing data from Summary Tape File 1, which is from the 100% count of the 1990 US Census. In addition to these profile sets, the Data Center offers a wide variety of other data products and services, including population, household and employment forecasts, an inventory of vacant commercial and industrial properties in the region and electronic mapping capabilities.

Enclosed for your reference is a copy of the profile for your community and subregion as well as for the MAPC region as a whole. We hope that you find these profiles useful. If you have any questions, please do not hesitate to contact Doug Carnahan or Jay Buhr at MAPC.

Sincerely.

David C. Soule
Executive Director

CC:

MAPC Community Representative

Planning/Community Development Director



# Metropolitan Area Planning Council 60 Temple Place, Boston, Massachusetts 02111 617/451-2770

(8/93)

### 1990 Census of Population and Housing Social and Economic Characteristics (Sample Count from STF 3)

Community: ACTON

MAPC Subregion: Minuteman Advisory Group on Interlocal Coordination

Households	6,574		Families	4,827
Household Income (1989 S's)			* Subfamily Type and Presence and Age	of Children
Less than \$5,000	72		Married-couple subfamily	
\$5,000 to \$9,999	213		With own children under 18 years	9
\$10,000 to \$14,999	128		No own children under 18 years	24
\$15,000 to \$24,999	533		Mother-child subfamily	18
\$25,000 to \$34,999	703		Father-child subfamily	9
\$35,000 to \$49,999	995		•	
\$50,000 to \$74,999	1,405		Educational Attainment	
\$75,000 to \$99,999	1,152		Persons 25 years and over	11,870
\$100,000 to \$149,999	1,060		Less than 9th grade	186
\$150,000 or more	313		9th to 12th grade, no diploma	408
Median Household Income	\$61,394		High school graduate	1,671
			Some college, no degree	1,674
Median Family Income	\$70,564		Associate degree	880
Per Capita Income	\$25,792		Bachelor's degree	4,057
Employed Residents per HH	1.55		Graduate or professional degree	2,994
	Number of	Mean	·	• •
Income Type (1989 \$'s)	Households	Income	Disability of Civilian	
Wages and salaries	5,914	\$63,889	Noninstitutionalized Persons	
Nonfarm self-employment	1,209	<b>\$</b> 22,508	Persons 16 to 64 years	12,718
Farm self-employment	53	\$3,272	With a mobility or self-care limitation	159
Social Security	872	\$8,601	With a work disability	432
Public assistance	129	\$4,198	Persons 65 years and over	1,063
Retirement	724	\$13,688	With a mobility or self-care limitation	231
			With a work disability	375
Poverty Status				
Persons Below Poverty	Number	Percent	Commuting to Work	
All persons	403	2.27%	Workers 16 years and over	10,089
Under 18 years	148	3.34%	Drove alone	84.25%
18 to 64 years	211	1.72%	In carpools	7.54%
65 years and over	44	4.14%	Using public transportation	3.55%
Unrelated individuals	135	5.81%	Using other means	0.78%
Families Below Poverty			Walked or worked at home	3.88%
All families	92	1.91%	Mean travel time to work (minutes)	25.28
With children	74	2.92%	•	
Female householder	62	11.07%	Vehicles Available	
			Occupied housing units	6,600
Language Spoken at Home			None	221
Persons 5 years and over	16,629		One	1,843
Speak a language other than English	1,644		Two	3,326
Do not speak English "very well"	494		Three or more	1,210

Contact the Metropolitan Data Center for more demographic and economic data at (617) 451-2770.





60 Temple Place, Boston, Massachusetts 02111 617/451-2770

(8/93)

### 1990 Census of Population and Housing Selected Housing and Labor Force Characteristics (Sample Count from STF 3)

Community: ACTON

MAPC Subregion: Minuteman Advisory Group on Interlocal Coordination

Year Structure Built			Gross Rent as a % of 1989 Hou	sehold Income	<u>:</u>
Total Housing Units	6,891		Renter-occupied housing units	1,931	
1980 to March 1990	669		Less than 20 percent	602	
1970 to 1979	2,179		20 to 24 percent	328	
1960 to 1969	2,056		25 to 29 percent	258	
1950 to 1959	973		30 to 34 percent	212	
1940 to 1949	164		35 percent or more	478	
1939 or earlier	850		Not computed	53	
Housing Quality			Owner Costs as a % of 1989 Ho	ousehold Incom	ıe
Lacking complete plumbing facilities	7		Owner-occupied housing units	3,906	
Lacking complete kitchen facilities	25		Less than 20 percent	1,959	
			20 to 24 percent	635	
Sewage Disposal			25 to 29 percent	396	
Public sewer	2,073		30 to 34 percent	264	
Septic tank	4,706		35 percent or more	636	
Other means	112		Not computed	16	
·					•
Total Condominium Units	1,399		Selected Median Monthly Shelt	er Costs	
Renter-Occupied	704		Owner-occuped housing units		•
Owner-Occupied	619		With a mortgage	\$1,345	
Vacant	76		Not mortgaged	\$401	
			Renter-occuped housing units		
Tenure By Year Householder Moved In	to Unit		Median gross rent	<b>\$</b> 733	
	Owner	Renter			
1980 to March 1990	2,274	1,802	Occupation		
1970 to 1979	1,389	130	Employed Persons 16 years and over		10,202
1960 to 1969	730	9	Executive, Administrative, Mana	gerial	2,741
1959 or earlier	261	5	Professional Specialty	•	2,719
			Technicians and Related Support	t	541
			Sales		1,281
Tenure By Number of Bedrooms	Owner	Renter	Administrative Support, includin	g Clerical	1,243
No bedroom	20	69	Private Household		16
1 bedroom	91	762	Protective Service		52
2 bedrooms	650	810	Service, except Protective and H	ousehold	640
3 bedrooms	1,537	234	Farming, Forestry, Fishing		44
4 bedrooms	2,026	58	Precision Production, Craft, Repa	air _	580
5 or more bedrooms	330	13	Machine Operators, Assemblers,	Inspectors	188
			Transportation and Material Mov	ring	72
			Handlers, Equipment Cleaners, F	lelpers,	
			Laborers		85

<sup>\*</sup> A subfamily is a married couple or single parent with children living in a household and related to the householder or the householder's spouse. Subfamilies are not included in the count of families.

Contact the Metropolitan Data Center for more demographic and economic data at (617) 451-2770.





60 Temple Place, Boston, Massachusetts 02111 617/451-2770

(8/93)

### 1990 Census of Population and Housing Selected Housing and Labor Force Characteristics (Sample Count from STF 3)

# MAPC REGIONAL SUMMARY (101 Communities)

Year Structure Built			Gross Rent as a % of 1989 Household Income			
Total Housing Units	1,181,413		Renter-occupied housing units	493,149		
1980 to March 1990	122,039		Less than 20 percent	138,367		
1970 to 1979	138,726		20 to 24 percent	76,068		
1960 to 1969	146,501		25 to 29 percent	63,088		
1950 to 1959	152,232		30 to 34 percent	43,379		
1940 to 1949	101,121		35 percent or more	150,796		
1939 or earlier	520,794		Not computed	21,451		
Housing Quality			Owner Costs as a % of 1989 I	lousehold Inco	me	
Lacking complete plumbing facilities	4,952		Owner-occupied housing units	450,939		
Lacking complete kitchen facilities	6,137	_	Less than 20 percent	234,719		
•			20 to 24 percent	59,354		
Sewage Disposal			25 to 29 percent	46,151		
Public sewer	1,012,766		30 to 34 percent	31,516		
Septic tank	165,454		35 percent or more	76,245		
Other means	3,193		Not computed	2,954		
Total Condominium Units	98,388		Selected Median Monthly She	lter Costs	*:	
Renter-Occupied	36,761		Owner-occuped housing units		•	
Owner-Occupied	52,346		With a mortgage	N/A		
Vacant	9,281		Not mortgaged	N/A		
			Renter-occuped housing units			
Tenure By Year Householder Moved	Into Unit		Median gross rent	- <b>i N</b> /A	- :	
	Owner	Renter				
1980 to March 1990	253,186	407,315	Occupation		-	
1970 to 1979	140,436	57,558	Employed Persons 16 years and over		1,543,806	
1960 to 1969	102,543	16,083	Executive, Administrative, Mar	nagerial	257,140	
1959 or earlier	120,807	13,831	Professional Specialty		305,217	
			Technicians and Related Suppo	ort	69,142	
			Sales		177,659	
Tenure By Number of Bedrooms	Owner		Administrative Support, includ	ing Clerical	277,814	
No bedroom	1,383	28,076	Private Household		4,817	
1 bedroom	24,983	170,572	Protective Service		30,395	
2 bedrooms	127,200	192,621	Service, except Protective and	Household	152,703	
3 bedrooms	273,324	82,021	Farming, Forestry, Fishing	•	10,345	
4 bedrooms	142,800	16,540	Precision Production, Craft, Re		126,091	
5 or more bedrooms	47,282	4,957	Machine Operators, Assembler		56,679	
•			Transportation and Material Me	•	37,705	
			Handlers, Equipment Cleaners,	Helpers,		
			Laborers		38,099	

<sup>\*</sup> A subfamily is a married couple or single parent with children living in a household and related to the householder or the householder's spouse. Subfamilies are not included in the count of families.

Contact the Metropolitan Data Center for more demographic and economic data at (617) 451-2770.



### METROPOLITAN DATA CENTER



60 Temple Place, Boston, Massachusetts 02111 617/451-2770

(8/93)

# 1990 Census of Population and Housing Social and Economic Characteristics (Sample Count from STF 3)

# MAPC REGIONAL SUMMARY (101 Communities)

Households	1,110,117		Families	716,707
Household Income (1989 S's)			* Subfamily Type and Presence and Ag	e of Children
Less than \$5,000	46,781		Married-couple subfamily	
\$5,000 to \$9,999	90,415		With own children under 18 years	2,810
\$10,000 to \$14,999	63,320		No own children under 18 years	5,289
\$15,000 to \$24,999	135,709		Mother-child subfamily	12,354
\$25,000 to \$34,999	143,869		Father-child subfamily	2,762
\$35,000 to \$49,999	194,691		·	
\$50,000 to \$74,999	227,828		<b>Educational Attainment</b>	
\$75,000 to \$99,999	105,616		Persons 25 years and over	1,968,985
\$100,000 to \$149,999	68,046		Less than 9th grade	120,960
\$150,000 or more	33,842		9th to 12th grade, no diploma	200,547
Median Household Income	\$40,775		High school graduate	551,670
•	•		Some college, no degree	301,668
Median Family Income	N/A	•	Associate degree	135,192
Per Capita Income	\$19,577		Bachelor's degree	387,240
Employed Residents per HH	1.39		Graduate or professional degree	271,708
	Number of	Mean		
Income Type (1989 \$'s)	Households	Income	Disability of Civilian	
Wages and salaries	882,919	\$49,164	Noninstitutionalized Persons	
Nonfarm self-employment	141,520	\$25,571	Persons 16 to 64 years	1,986,330
Farm self-employment	6,933	\$8,220	With a mobility or self-care limitation	73,047
Social Security	279,713	\$7,720	With a work disability	129,981
Public assistance	74,837	<b>\$4,73</b> 6	Persons 65 years and over	364,046
Retirement	170,646	\$9,297	With a mobility or self-care limitation	70,491
			With a work disability	100,745
Poverty Status			•	
Persons Below Poverty	Number	Percent	Commuting to Work	
All persons	236,055	8.36%	Workers 16 years and over	1,517,738
Under 18 years	68,677	11.70%	Drove alone	65.87%
18 to 64 years	. 133,359	7.12%	In carpools	9.79%
65 years and over	. 34,019	9.35%	Using public transportation	14.12%
Unrelated individuals	98,337	17.37%	Using other means	1.08%
Families Below Poverty		•	Walked or worked at home	9.14%
All families	42,625	5.89%	Mean travel time to work (minutes)	23.71
With children	32,568	9.80%		
Female householder	26,198	20.48%	Vehicles Available	
			Occupied housing units	1,111,759
Language Spoken at Home			None	188,396
Persons 5 years and over	2,737,871		One	414,294
Speak a language other than English	420,676		Two	370,406
Do not speak English "very well"	178,026		Three or more	138,663

Contact the Metropolitan Data Center for more demographic and economic data at (617) 451-2770.



### METROPOLITAN DATA CENTER



60 Temple Place, Boston, Massachusetts 02111 617/451-2770

(8/93)

# 1990 Census of Population and Housing Social and Economic Characteristics (Sample Count from STF 3)

# MINUTEMAN ADVISORY GROUP ON INTERLOCAL COORDINATION SUBREGIONAL SUMMARY (12 Communities)

Households	50,333		Families	37,307
Household Income (1989 \$'s)			* Subfamily Type and Presence and Age	of Children
Less than \$5,000	1,008		Married-couple subfamily	
\$5,000 to \$9,999	2,125		With own children under 18 years	125
\$10,000 to \$14,999	1,858		No own children under 18 years	220
\$15,000 to \$24,999	4,757		Mother-child subfamily	366
\$25,000 to \$34,999	5,363		Father-child subfamily	112
\$35,000 to \$49,999	8,202			
\$50,000 to \$74,999	10,946		<b>Educational Attainment</b>	
\$75,000 to \$99,999	7,416		Persons 25 years and over	94,044
\$100,000 to \$149,999	5,670		Less than 9th grade	3,491
\$150,000 or more	2,988		9th to 12th grade, no diploma	6,911
Median Household Income	\$54,233		High school graduate	21,600
			Some college, no degree	14,222
Median Family Income	N/A		Associate degree	7,059
Per Capita Income	\$24,664		Bachelor's degree	23,723
Employed Residents per HH	1.51		Graduate or professional degree	17,038
	Number of	Mean		•
Income Type (1989 \$'s)	Households	Income	Disability of Civilian	
Wages and salaries	43,458	<b>\$</b> 61, <b>842</b>	Noninstitutionalized Persons	
Nonfarm self-employment	8,324	\$30,896	Persons 16 to 64 years	93,719
Farm self-employment	587	\$4,560	With a mobility or self-care limitation	1,857
Social Security	9,793	\$7,972	With a work disability	4,607
Public assistance	1,607	\$4,912	Persons 65 years and over	12,578
Retirement	6,635	\$11,108	With a mobility or self-care limitation	2,170
			With a work disability	3,381
Poverty Status				
Persons Below Poverty	Number	Percent	Commuting to Work	
All persons	4,645	3.40%	Workers 16 years and over	75,737
Under 18 years	1,299	3.93%	Drove alone	82.01%
18 to <del>54</del> years	2,327	2.56%	In carpools	9.36%
65 years and over	1,019	8.10%	Using public transportation	2.20%
Unrelated individuals	2,060	11.13%	Using other means	0.74%
Families Below Poverty			Walked or worked at home	5.69%
All families	886	2.37%	Mean travel time to work (minutes)	23.26
With children	680	3.68%		
Female householder	498	12.27%	Vehicles Available	
•			Occupied housing units	50,512
Language Spoken at Home			None	2,470
Persons 5 years and over	129,358		One	13,927
Speak a language other than English	13,219		Two	23,491
Do not speak English "very well"	4,702		Three or more	10,624

Contact the Metropolitan Data Center for more demographic and economic data at (617) 451-2770.





# Metropolitan Area Planning Council

60 Temple Place, Boston, Massachusetts 02111 617/451-2770

(8/93)

#### 1990 Census of Population and Housing Selected Housing and Labor Force Characteristics (Sample Count from STF 3)

# MINUTEMAN ADVISORY GROUP ON INTERLOCAL COORDINATION SUBREGIONAL SUMMARY (12 Communities)

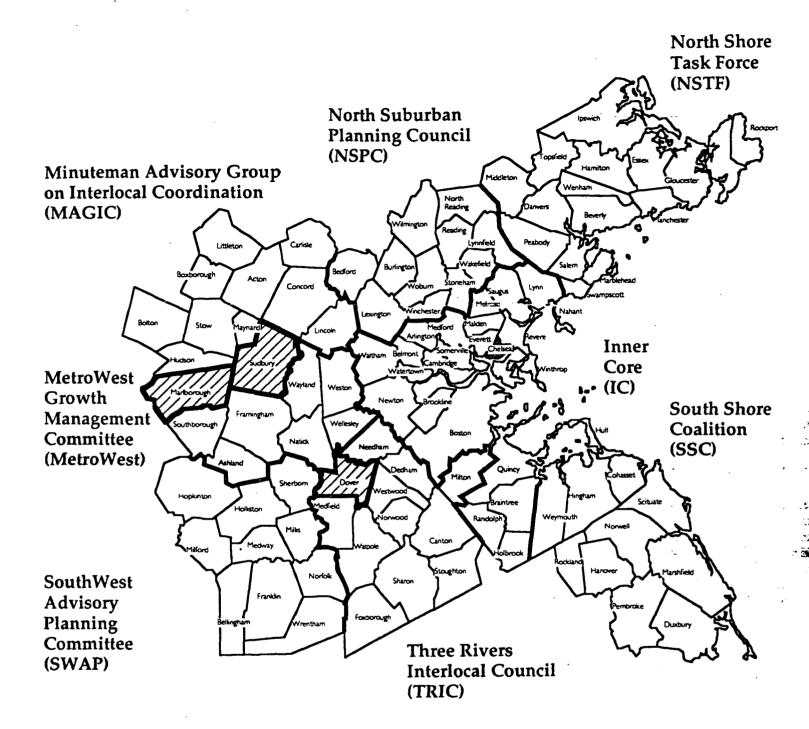
Year Structure Built			Gross Rent as a % of 1989 Household Income		
Total Housing Units	52,977		Renter-occupied housing uni	14,581	
1980 to March 1990	8,638		Less than 20 percent	4,097	
1970 to 1979	10,403		20 to 24 percent	2,397	
1960 to 1969	11,308		25 to 29 percent	2,112	
1950 to 1959	7,716		30 to 34 percent	1,175	
1940 to 1949	2,141		35 percent or more	3,694	
1939 or earlier	12,771		Not computed	1,106	
Housing Quality			Owner Costs as a % of 1989 Household Income		
Lacking complete plumbing facilities	164		Owner-occupied housing uni	29,316	
Lacking complete kitchen facilities	268		Less than 20 percent	15,070	
			20 to 24 percent	4,128	
Sewage Disposal			25 to 29 percent	3,250	
Public sewer	27,983		30 to 34 percent	2,123	•
Septic tank	24,714		35 percent or more	4,703	
Other means	280		Not computed	42	
Total Condominium Units	5,207	٠.	Selected Median Monthly Shelter	•	٠.
Renter-Occupied	2,177		Owner-occuped housing units		
Owner-Occupied	2,536		With a mortgage	N/A	
Vacant	494		Not mortgaged	N/A	
			Renter-occuped housing units		
Tenure By Year Householder Moved Into Unit			Median gross rent	N/A	
	Owner	Renter			
1980 to March 1990	16,746	13,320	Occupation		
1970 to 1979	8,980	1,011	Employed Persons 16 years and over 7		76,082
1960 to 1969	5,756	206	Executive, Administrative, Managerial 16,3		16,308
1959 or earlier	4,264	229			18,266
	•		Technicians and Related Support		3,950
			Sales		8,130
Tenure By Number of Bedrooms	Owner	Renter	Administrative Support, including Clerical 9,8		9,898
No bedroom	42	474			240
l bedroom	663	4,664			1,012
2 bedrooms	5,285	5,731			5,792
3 bedrooms	14,621	2,727	<i>J. J.</i>		721
4 bedrooms	12,139	966			6,170
5 or more bedrooms	2,996	204			2,697
			Transportation and Material Movin	•	1,450
			Handlers, Equipment Cleaners, He	lpers,	
•			Laborers	•	1,448

<sup>\*</sup> A subfamily is a married couple or single parent with children living in a household and related to the householder or the householder Subfamilies are not included in the count of families.

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## METROPOLITAN DATA CENTER



# Subregions of MAPC

## Up in Smoke

(Car + 3)

Fading Garbage Crisis Leaves Incinerators Competing for Trash

Municipalities Are Dismayed: Waste-to-Energy Fever. Burns Local Taxpayers

Trapped in the 'Death Spiral'

By JEST BAILEY

Staff Reporter of The Wall STREET JOURNAL It might seem a blessing in this cluttered world, but from Florida to New Hampshire to Wisconsin, communities are running short of trash. And it is coating

The municipalities collectively spent billions of dollars to build big incinerators, but now don't have enough refuse to keep the plants burning full blast. La Crosse, Wis., can't fill half the capacity of an incinerator built there in 1988. Bay County, Pla., resorted to buying wood chips to stoke its incinerator. And Warren County, N.J., uses undercover trash cops to stake out the bridges over the Delaware River to Pennsylvania to make sure no trash leaves the

Garden State.
"We heed trash," asserts Lori Parrish. a commissioner in Broward County, Fla. Officials there are literally rummaging around the rest of South Florida to find garbage to feed their \$500 million pair of incinerators. "It's killing us," she says.

Technological Triumph

Promoted as "waste-to-energy" plants because they also produce electricity, the incinerators were touted as the triumph of technology over trash. They would assure that cities for decades had a place to dispose of waste, while lessening the need for sprawling dumps. To varying degrees, environmental officials at the state and

environmental officials at the state and federal level encouraged an incinerator building binge during the 1980s, with 142 plants now burning about 30 million tons a year, or 18% of the nation's trash.

But the officials paid little mind to the economics of burning trash. Very simply, the current economics are terrible, requiring residential and commercial customers—as well as taxpayers—to pay hundreds of millions of dollars a year nows and dreds of millions of dollars a year over and above the going market rate for trash disposal. The average incinerator disposal fee is 156 a ton, twice the \$28 average at dumps, reports Solid Waste Price Digest, a trade journal.

Municipal officials made the plunge into trash burning with the best advice money could buy, hiring engineering con-sultants, Wall Street investment bankers and bond lawyers, all of whom have profited handsomely from fees connected !teet nanatomery from free connected ?bond businewrings to finance incinerators. But almost none of these people were
sufficiently skeptical of the so-called garbage crisis, a perceived shortage of dump
capacity that, in the 1980s, pushed up dump
fees and frightened public officials into
thinking that disposal prices would climb

ever upward.

An incinerator, went the logic, allowed a city to lock in a disposal price for 20 years or more. So why not build it big? With the extra capacity, an incinerator could reap

extra capacity, an incinerator could reap-helty profits by taking trash from eise-where at escalating market rates.

The garbage crisis, though it appealed perfectly to the nation's collective guilt over throwing away so much stuff, was more fiction than fact. In truth, trash companies, led by WMX Technologies Inc. (formerly Waste Management Inc.) and Browning-Ferris Industries Inc., along with municipalities, created hure amounts. with municipalities, created huge amounts of disposal capacity in recent years. As with office buildings and airlines, a space glut has led to fierce price-cutting as dump and incinerator owners compete for refuse.

refuse.

Incinerators "weren't designed to be economic," contends Dougias R. Augenthaler, a trash stock analyst at Openheimer & Co. in New York. "They were designed to replace a disappearing asset [dumps] that didn't disappear."

Morsover, many municipalities and their consultants overestimated the amount of trash they would be generating, failing in foresees tham reductions from

failing to foresee sharp reductions from recycling and the recession; a slower economy generates less waste. Incinerators need to operate at full capacity to make the most of electricity production, which also brings in revenue, and to service debt of as much as \$300 million per plant. Cities therefore have been forced to bid for trash on the open market, often at disposal fees far below what their own cesidents must pay.

Risk vs. Reward

Nearly all the incinerators are operated — and many owned — by companies such as WMX Technologies, Ogden Corp. and Westinghouse Electric Corp. In hindsight, the public sector got most of the risks and the private sector most of the rewards in building waste-to-energy facilities. Typically, the municipality provided financing; the company guaranteed the thing would work; the municipality guaranteed

Then the market price for disposal plunged. So, Broward County trash burns for \$55 a ton at its two big incinerators, but rur soo a un at its two big incinerators, but waste from elsewhere is welcomed as cheaply as \$42. In Montgomery County, Pa., locals pay \$63.50 while outsiders can dump for \$41. "It was supposed to work the other way around," says Donald Silverson, Montgomery County's trash chief. "It's a sore point."

sore point."

At its worst, a shortfall of trash begins a
Please Turn to Page At, Column 4

## Proves a Costly Fuel For Big Incinerators

Continued From First Page
higher local dump fee to cover fixed costs,
which chases away local haulers and begets a bigger shortfall: "The death spiral."
waste-officials call it. A Claremont, N.B.,
plant is in full spin, with a \$95.50-a-ton feefor local trash, a \$40-a-ton fee to attract
outside waste, and every indication the
disparity will worsen. "It"s an endiess
cycle," says Allen Dusault, head of the
New Hampshire-Vermont Solid Waste
Project. Project.

Construction Nearly Halted

And things could go from bad to worse for the economics of incineration. Cities are facing huge costs to fit all but the newest plants with modern air-pollutioncontrol systems. Utilities are fighting back against a federal law that forces them to buy electricity from incinerators at above market prices. And the Supreme Court has market prices. And the Supreme Court has agreed to hear two cases, either of which could prove devastating for municipalities, bondholders, taxpayers and companies that own incinerators. All of this has brought construction of new plants to a

near halt.

In one case, the high court will decide whether the ash left over from trash burning should be treated as a hazardous waste. A federal appeals court in Chicago says it should, while one in New York says

As of now, the 8.5 million tons a year of ash mostly go to garbage dumps at relatively cheap rates. Environmental groups contend ash should be treated as hazardous because it contains heavy metals.

Municipalities assert ash poses no health threat. Moreover, they say, if the justices declare ash a hazardous waste, ash disposal costs could rise tenfold, adding \$3.5 billion to the cost of operating the country's 142 incinerators. That could force incinerators to roughly triple the disposal fee they charge for trask to more than \$150 a ton, the municipalities say. Many would simply close, which could lead to billions of dollars of bond defaults.

of bond defaults.

The high court also will consider a challenge to flow control, a practice permitting a municipality to commandeer all the trash within its borders and direct it to a favored disposal site. Because many incinerators charge prices far higher than nearby dumps, only with flow control do they remain viable.

Flow Control Debate

Hauters bate flow control because it makes them pay more per ton to dump their loads. Their argument, successful in their loads. Their argument, successful in several lower-court cases, is that the prac-tice illegally restricts interstate com-merce. Most incinerators are close enough to a state line to be vulnerable to that claim, especially since haulers have be-come more adept at compacting trash to cheaply carry big loads long distances by ruck and reli truck and rail.

truck and rail.

Already, 15 million tons of trash a year cross a state line to be dumped, as the disposal business becomes more regional and less local. J.P. Mascaro & Sons, a regional Pennsylvania hauter, says it saves money by trucking loads 300 miles to a West Virginia dump it comes for instance, rather ginia dump it owns, for instance, rather than pay a \$53-a-ton fee designated by flow control in the Philadelphia suburbs.

A decision against flow control could spark an all-out price war in the disposal business. Dominant haulers WMX Technologies and Browning-Ferris control buge amounts of dump space where they would like to take more trash. Dumps, with relatively low fixed costs, could ride out a price war. Many cash-hungry incinerators couldn't. "If we lose flow control, those contracts [between cities and incinerator operators] are null and void," says H. Lanter Hickman Jr., bead of the Solid operators) are null and void," says H. Lanier Hickman Jr., bead of the Solid Waste Association of North America, a group of mostly municipal trash officials. And the more than \$10 billion of bonds outstanding that back incinerator projects

"are belly up."
Flow control was "a legal device that allowed you to not look at the economics," allowed you to not look at the economics," says Marie Pisecki, who rates trash-related bonds at Moody's investors Service. But people are looking now. Municipal-bond-fund managers, such as John Nuveen & Co. with \$350 million in trash-related bonds and Van Kampen Merritt Investment Advisory Corp. with \$264 million, are trying to determine which projects are most vulnerable. Sandy D'Imperio, an official at bond insurer Ambac Indemnity most vunerable. Sanay D imperio, an other claim at bond insures and insured to build lo incineration projects, says a loss of flow control would cause "very severe" prob-lems in the business. Susan Epstein, at Municipal Bond Investors Assurance Inc., another insurer, says, "We're taking a re-look at our exposure,"

Whose Trash Is It?

The U.S. Conference of Mayors is lob bying Congress to pass flow-control legisdown. But even as the law of the land in 2 states, officials say flow control is tough to enforce. Columbus, Ohio, estimates it loses about 15% of the trash that is supplied to go to its 2,000-ton-a-day incinerator. To Franklin County Sheriff is investigating and \$5,000-a-day fines are possible for violators. But commercial haulers in par ticular routinely cross municipal borders on their routes. So whose trash is it?.

The reality of the trash busin quite different than the legal structure, says William Darcy, head of the Connecticut state agency that oversees trash burning. Incinerators charge as much as \$79 & ton there, while dump space can be be \$50. "If we had 1,000 enforcement officers, we could stop the cheating," he says.

To survive without legal flow control. some municipalities are resorting to what they call "economic flow control." In essence, they set the disposal fee at an incinerator low enough to attract trash, then stuff the rest of the costs into the tax

That is how Montgomery County, Md., plans to make its proposed 1,800-ton-a-day, \$325 million incineration project viable. The affluent county, just north of Washington, is surrounded by relatively cheap and very abundant disposal in Virginia, West

## Poor Economics and I rash Shortag Force Incineration Industry Change

By JEFF BAILEY

Aff Reporter of THE WALL STREET JOURNAL
The trash-incineration industry is heading into what promises to be a severe shakeout, as weaker competitors give up on a business in which growth has stalled and the two dominant players pursue radically different strategies.

Ogden Corp., No. 1 in the business with a 26% market share through its Ogden Projects Inc. unit, relies beavily on con-tracts with municipalities to bring trash to its 24 so-called waste-to-energy plants. It has no hauling business to feed the inciner-

WMX Technologies Inc., No. 2 with a 20% share through its Wheelabrator Tech-nologies Inc. unit, uses its dominant nosogies inc. unit, uses its dominant U.S. trash-hauling business to help feed its 14 plants and is far less reliant on guarantees from cities that they will deliver trash. That could prove a big edge in the more competitive times ahead.

Profits remain strong at both companies, though falling disposal feed and

Profits remain strong at both compa-nies, though falling disposal fees and a slowdown in new plant construction could

Bartier this year, Swedish industrial Virginia and southeastern Pennsylvania. on the whole, says Stephen L. Schweich, an analyst with Robertson, Stephens & Co. in San Francisco, "it's cheaper to go to Philadelphia" to dispose of Montgomery County trash.

But the county wanted to handle its own trash and isn't keen on dumps. Annual trash-collection fees, which also fund a zealous recycling program, are expected to rise from \$146 a household next year to \$246 by 1999.

226 by 1999.

Columbus, Ohio, tried to keep its incinerator competitive for 10 years, roughly matching the price of a nearby dump, but the effort required subsidies of more than \$100 million in total. The city recently threw in the towel, gave the burner to a regional-waste authority and adopted legal flow control, which it hopes will remain legal.

No Dump Ambiance

No Dump Amblance
Despite the problems, it is easy to see how municipal officials fall in love with incinerators. But for the trash trucks rolling across outdoor scales, they resemble a power plant, not a dump. No rats. No seaguils. Smells stay inside the walls.
The control room, run by engineers, has enough dials, meters and video monitors to resemble a small nuclear plant. Trucks pull into an enclosed dock to dump into a giant trash chamber six stories tall. High above, two crane operators continually fluff the mound and slowty feed trash toward a burning grate that slopes downtoward a burning grate that slopes down-ward. The heat fires boilers that make steam for electricity.

Incineration owners complain that the Environmental Protection Agency isn't hard enough on dumps, which give them a cost advantage, but the agency says it is neutral. "The shuff that goes up the [incinerator] stack affects more people than [garbage water] going into the groundwa-ter," says Bruce Weddle, RPA's trash

Companies promote the plants as a 'partnership' with the community. But it is a rocky marriage in a glutted market.

Recovered County is mad at WMCK Technolo-It is a rocky marriage in a guitted market. 
Broward County is mad at WMCK TechnoloBroward County is mad at WMCK Technologies, which owns and operates twin 2,250 ton-day burners there. The incineraton-day burners there. The incineraton-day burners there. The incineraton-day burners there. The incineraton-day burners there. The incineration-day deal, the county pays for at 
least 1,095,000 tons even if it incinerates, or 
puts, less. WMCK Technologies also owns a 
big dump in the county, and accepts trash 
that could be burned. WMCK took more than 
two million tons of trash to the dump 
during the eight months ended March 31, 
most of it from the Hurricane Andrew 
cleanup. The company says the hurricane 
trash was too wet to burn. Steve Alexander, a Broward County official, observes, 
"One of the partners in this deal is making 
a whole lot of money."

The company and the county are in 
talks to ease the burden of the shortfall.

"We're going to do everything we can to 
make sure they're happy," says a WMCK 
Technologies spokesman. But that likely

make sure they're happy," says a WMX Technologies spokesman. But that likely will require taking more trash from neighboring Pada Geometric which class is hardened by the control of the boring Dade County, which also is hurting. Lower volume at its disposal sites already forced Dade to raise prices to \$59 a ton

forced Dade to raise prices to \$59 a ton from \$45 in January.

Connecticut officials are fighting WMOX Technologies' plan to build another incinerator in the state because they say it would take trash from already-struggling plants there. La Crosse County, Wis., sued its engineering consultants for overestimating the area's trash volume. The county collected \$2.6 million.

Price of Clean Air

The Clean Air Act, meanwhile, is making incineration costiler still. Pinellas County, Fla., expects retrofitting its 3,000-ton-a-day burner to comply with air standards will cost anywhere from \$100 million to \$200 million, including lost electricity revenue and disposal fees while the plant is down. That could force the county to double its disposal fee from \$37.50 a ton. says the county's trash chief, Bob Van

Having guessed wrong on the direction of disposal prices, incineration promoters luckily can take advantage of a federal program that guessed wrong on energy prices. Utilities are required to buy electricity from so-called nonutility generators, or NUGs, at prices often based on early 1980s projections that oil prices would skyr So, while electricity changes hands these days between utilities at 1 cent to 3 cents a watt hour, some incinerators can get as

(A ton of trash burned yields about 600 watts, so 2 cents a kilowatt equals \$12 a

ton, 4 cents \$24 a ton and so forth.)
Utilities are trying to unnit hew NUGs outlines are trying to timit new NGS and renegotiate such high-priced contracts. Niagara Mohawk Power Corp., which has a gitt of power, is forced to buy NUG electricity at 6 cents a kilowatt and then sell it at 1 or 2 cents, a \$400 million annual cost. Southern California Edison annual cost. Southern California Edison Co. spends \$750 million a year above market rates to buy NUG power, a spokesman says. "That's why our rates are so high."

giant Asea Brown Boveri AB s
U.S. trash burners for \$47 million to
Projects. Occidental Petroleum Cor
its big Nlagara Palls, N.Y., inciner
American Ref-Fuel Co., a joint ven
No. 2 hauler Browning-Ferris Indi
Inc. and Air Products & Chemicals I
And Westinghouse Electric Corr
firms that it offered its Incineration
UNIX Technologies, but that no.

firms that it offered its incineration to WHX Technologies, but that no a ment was reached. Westinghouse or huge \$300 million plant in Delt County, Pa., part of the glutted Phila market. The facility is losing m The company won't say if the bus overall is profitable.

Piled In

Foster Wheeler Corp. and Mont a big French services concer

SA, a big French services concern, say they are in the business to stay the disappointed by the slowdown.

Companies piled into the business ing the 1980s, thinking — like munici ties — that dump capacity was shrink And, according to a report preparer analysts at Kidder, Peabody & Co., I were attracted by other reasons: Pretax laws gave big tax credits for capinyestments: cities offered cheap, tax-i investments; cities offered cheap, tax-t investments; cities offered cheap, tax-i financing; energy costs seemed sur-rise, making alternative forms of elect-ity generation valuable; and some engineering and construction compar-were looking for new things to build. Dozens of communities awarded c tracts to build incinerators in the m 1980s, but then the backpedaling beg. According to Kidder, cancellations of readvawarded uniform have exceen

According to Kidder, cancellations of ready-awarded projects have exceed new projects annually since 1987.

Riven with the disposal glut in ma markets, the industry continues to use t mythical "garbage crisis" as a markets tool. A WMK Technologies promotion brochure warms "this nation is quick running out of places to dispose of trash. Ogden Projects' annual report sees "avai able landfill space vanishing." And the incineration-industry group, Integrate Waste Services Association, still talks c "solving the garbage crisis," though it president, B. Kent Burton, says in his speeches that he has downgraded the "crisis" to a "problem."

Because of the differing strategies of it two biggest members, Ogden and Wheela

two biggest members, Ogden and Wheela brator, the association hasn't yet taken a position on flow control, the most imitant issue tacing the industry. Ogden strongly in favor of flow control, wt allows a municipality to direct all its transferented disposal site while W to a designated disposal site, while W Technologies and its Wheelabrator don't have a position.

Down on Dumps

Without flow control, Ogden would vulnerable to baulers, including th owned by WMX and Browning-Perris, t

owned by WMX and Browning-Ferris, t want to take trash to their own dun rather than to Ogden's Incinerators.

Ogden is increasingly critical of dun on environmental grounds. "Raw reficreates a toxic soup (in dumps). It williamstely come up," says Scott Mackin, president and chief operating of cer of Ogden Projects. The Environmen Protection Agency considers a well-budump safe, and is slowly moving to ck unsafe ones. Dumps have been WMX Templement and produced the safe of the safe o

nologies most profitable business.

Mr. Mackin sees no need for Ogden Mr. Macan sees no sees for overally. He copers that an economic recovery, an increase in oil prices and the public's harring of dumps will all come together to sportowth again for the incineration indu



# Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

August 19, 1993

Dear Transportation Improvement Program Liaison:

Attached is a list of proposed amendments the the fiscal years 1994 and 1995 sections of the Transportation Improvement Program for Metropolitan Boston.

The list of proposed amendments will be reviewed at MAPC's September 14, 1993 MPO Liaison Committee with a recommendation forwarded to the MAPC Executive Committee that meets on September 15, 1993. It is extremely important that your comments are received before the 14th. You should also note that the Joint Regional Transportation Committee will meet on September 8, 1993 to make its recommendations.

MAPC encourages you to review the list carefully. You should note for us projects that have MHD Project Review Committee approval that you believe should be a part of this list but are missing.

If there is a project(s) on the list for your community we have checked the box below.

Thank you for your timely consideration of, and response to, these TIP amendments. If you have any questions please feel free to contact Daniel Fortier at (617) 451-2770.

Sincerely

David C. Soule

Executive Director

Chief Elected Official

Municipal Administrator/Manager

MAPC Representative

Local Project In TIP Amendments

×

#### AUG 18 '93 16:49 CONSTRUCTION

PROPOSED TIP AMENDMENTS IN THE MAPC

REGION

MAPC Acton, Route 27 Bridges A-2-4 over 8 & M IDs 104749 Railroad

MAPC Ashland, Fountain St. Bridge# A-14-11 over ID# 026703 Conrail

MAPE Boston, (Mattapan) Babson Street Bridge 1D# 003/26 B-16-164 over Connail

MAPC Boston, Albany Street & Broadway Bridge# IO# C00990 B-16-77 over Amtrack & T

MAPC Gaston, Depressed Central Artery & Third ID# 195001 Harbor Int (DES/ROW/CON) REVISE COST TO \$9,375,000 IN FY 94(\$7.5 M federal)

MAPC Boston, Durchester Avenue Bridge# 8-16-199 10# 020805 over Conrail

MAPC Boston, Reservation Road Bridge# 8-16-186 ID# 060001 over Mother Brook

MAPC Boston, West Broadway Bridge# 8-16-205 over ID# 140290 Conrail

MAPS Boston, West Fifth Street Bridge# 8-16-201 10# 140300 over Cental

MAPC Boston, West Second Street Bridge# 8-16-209 . 10# 140276 over Connail

MAPC BOSTON CONGRESS ST BRIDGE \$ 8-16-32 / FORT ID# 016555 POINT CHML ADD TO FY 94

MAPC BOSTON- RECONSTRUCT BRIDGE 0-16-31 SUPPLER ST IDM 132701 / FORT POINT CHNL ADD TO FY 94

MAPC Cambridge, Fresh Pond Lane Bridge# C-1-16 1D# 027258 over 8 & M

HAPC Decham, Route 109 Bridge# D 5-4 over Charles ID# 079741 River

MAPC Dover, Dover Road Bridge# D-10-2

RELOGES \$960,000.00

HOVE FROM: 94 TO: 95

BRIDGES \$800,000.0 MOVE FROM: 94 TO: 95

\$800,000,00

BRIDGES

BRIDGES \$900.000.00

HOVE FROM: 94 TO: 95

MOVE FROM: 94 TO: 95

### \$7,500,000.00 ROVE FROM: 94 TO:

8KIDGES \$1,300,000.00 MOVE FROM: 94 TO: 95

BRIDGES \$400,000.00 MOVE FROM: 94 TO: 95

BRIDGES \$1,300,000.00 MOVE FROM: 94 TO: 95

BRIDGES \$640,000.00 MOVE FROM: 95 TO: 94

BRIDGES \$1,500,000.00 MOVE FROM: 94 TO: 95

## \$2,400,000.00 BRIDGES \$2,400,000.00 TO: 94

BRIDGES \$4,000,000.00 HOVE FROM: TO: 94

BRIDGES \$240,000.00 MOVE FROM: 95 TO: 94

8R1DGES \$500,000.00 MOVE FROM: 94 TO: FE

Bridges \$640,000.00 MOVE FROM: 94 10: 95

#### TOWN OF ACTON

#### INTERDEPARTMENTAL COMMUNICATION

#### TOWN MANAGER'S OFFICE

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DATE: 8/26/93

TO:

The Board of Salectmen

FROM:

John Murray

SUBJECT:

Weekly Update

- 1. Chairman Hunter has requested me to seek comment from board members concerning Minuteman Tech's request for a financial waiver to the State from each of Minuteman's member communities. It is Chairman Hunter's intention to file for such a waiver unless he receives other direction from the Board.
- 2. Today, the Town and W.R. Grace reached a settlement agreement for an action filed by the Town to receive compensation for monies expended by the Town in connection with the hazardous waste site in South Acton. The Settlement Agreement was in total compliance with the Board's executive session direction and the monetary settlement is in the amount of \$100,001. The Board must accept the "gift" portion (\$100,000) at a future public session.
- 3. If any Board member wishes to file a zoning article for a possible November Special Town Meeting, that action requires an advertised public hearing to be held 14 days prior to the Town Meeting. The Warrant must be posted 7 days prior to Town Meeting. Therefore, in practical terms (including necessary printing time) the article must be ready approximately 7 weeks before the Town Meeting.
- 4. Roy Smith called and offered the following compromise on the plowing of the Senior Center, and to request that he be added to the September 7th agenda.

The landlord shall plow emergency vehicle access to the Senior Center, and subsequent to that the Town shall plow the parking lot and sidewalks.

I have scheduled Roy for a 9:45 appointment on September 7

- In speaking with bank personnel, they have asked if the Town would be willing to go through informal arbitration on the topic of plowing. I would appreciate comment from the Board by the close of business on Wed. Sept. 1st.
- 5. Digital has approached this office, in order to determine if the Board would be receptive to changing the zoning of the Piper Road facility to accommodate an assisted living center. I referred Digital's call to Chairman Hunter.
- Wang has approached the Town concerning the availability of 6. approximately 300,000 square feet of office space (much larger than DEC's Piper Rd. facility) under one roof or in a quad setting for their new world headquarters. suggested that they contact Kirk Ware. They have stated that the need a facility in 45 days, because the Towers are part of the Bankruptcy settlement. I doubt that they will be required to leave the Towers in 45 days, but I believe that is their preference. Kirk can build such a facility at Acorn Park. In addition, Wang asked for information concerning an incentive package being offered by the Town. I told them that, while the Town does not have an incentive package, it is my belief that the Board of Selectmen may be receptive to construct a building loan based upon the Town's credit rating (legally this can be accomplished). credit rating is one thing that a newly structured company coming out of bankruptcy does not have. In summary, I believe that this project is a pipe dream, but stranger things have occurred.
- 7. Work on the Charter Road sidewalk has begun again. We are deviating slightly from the plan in order to accommodate a reluctant landowner at 64 Charter Rd. The accommodation was necessary, in order to obtain the necessary easement from the Sackmans. The accommodation requires the construction of a retaining wall, moving the sidewalk closer to the road, and additional tree removal. Tree hearings were completed last Monday.
- 8. I have authorized Dean Charter to use Town Staff to finish the first phase of the Children's Playground. This was necessary, even though it is contrary to what the Board

authorized, due to an overriding safety problem. It is our estimation that 2 days work for a crew of 4 is necessary to make the structure secure, and some materials may need to be purchased. Consequently, I have instructed Dean to insure that the Children's Playground Committee has vendors lined up to deliver all the necessary materials on a reasonable schedule, and that the necessary labor is scheduled and confirmed before any site work for phase 2 is started. The crew of 4 was primarily taken from the tree and field maintenance crews.

William F. Weld Governor Daniel S. Greenbaum

Conservation Commission Town Hall Acton, MA 01720

August 11, 1993

Dear Conservation Commissioner:

Enclosed please find your community's copy of the <u>Massachusetts Nonpoint Source Management Manual -- A Guidance Document for Local Officials</u>. The manual, produced by the Nonpoint Source Program within the Massachusetts Department of Environmental Protection (DEP), Office of Watershed Management, has been distributed to every town and city in the Commonwealth.

This manual is written especially for municipal officials in the hope that it will assist them in understanding and recognizing nonpoint source pollution in their community and guide them as they implement local control strategies. The manual contains a wide variety of information about nonpoint source pollution, from basic definitions to descriptions of current regulatory controls and best management practices.

The DEP is planning an outreach and education program that will follow up the distribution of this manual. We will be contacting your community to set up informal meetings to introduce the manual and get feedback from you about specific nonpoint source pollution problems in your community that you need help with.

If you have questions about the manual, please contact Christine Duerring of the Department of Environmental Protection, Office of Watershed Management, P.O. Box 116, North Grafton, MA 01536, telephone (508) 792-7470.

Sincerely,

Eben Chesebrough Massachusetts Nonpoint Source Coordinator

cc: Board of Selectmen Planning Board

Board of Health Zoning Board of Appeals

One Winter Street • Boston, Massachusetts 02108 • FAX (617) 556-1049 • Telephone (617) 292-5500

## **ACTON MEMORIAL LIBRARY**

486 Main Street Acton, Massachusetts 01720 264-9641 264-9642 TDD 635-0072

Keith Fiels, Executive Director Board of Library Commissioners 648 Beacon Street Boston, MA 02115

August 22, 1993

Dear Mr. Fiels:

Thank you for the opportunity to comment on the Statewide Strategic Plan. I am impressed with its commitment to make the resources of all libraries within the state accessible to all residents. My Board of Trustees is concerned about the ability of the state to fund the identified goals and the potential political resistence to increased regionalization. They are aware that this plan is preliminary and the funding issues will be resolved at a later time. However, in the present dismal budget situation it is difficult to separate these issues.

One of the goals of the plan is for <u>every</u> Massachusetts library to meet standards of service. How does that impact communities with more than one public library? As you may know, in Acton we have two independent public libraries each funded by Town appropriation. In this distressed economic climate, limited funds for staff and materials are further diluted because resources are shared between two separate entities.

The strategic plan seems to indicate that <u>all</u> public libraries will be required to meet minimum standards of service. If so, what will be the status of those public libraries which do not? Will Towns and cities with more than one public library be penalized if all publicly supported libraries cannot meet the service standards? In Acton's case, I would be very angry if the Memorial Library and Town were denied state aid (MEG/LIG, network participation, Regional services, etc.) because the Citizens' Library could not meet the identified standards. And it would be tragic to increase the Citizens' Library's funding to achieve these standards at the expense of restoring lost hours and book funds to the Memorial Library budget.

It seems obvious (to me, anyway) that no agency is going to advocate the abolishment of these smaller public libraries. Therefore, I would encourage the Board of Library Commissioners to take an active role in helping communities to merge their separate public libraries for the benefit of the citizens they serve. In Acton's case this would involve someone working with both boards who has authority to require the participants reach a consensus and develop an action plan. Unfortunately, communications with the Citizens' Library are hampered

by a number of emotional issues which would need to be resolved before a co-operative plan could be developed..

The proposed stategic plan for delivering services to all residents of the Commonealth focuses on making materials not owned in the local public library available. In communities where there is more than one public library the delivery of these services will result in a duplication of efforts. Using Acton as an example, both public libraries receive interlibrary loans, delivery service and reference support from Wellesley. The Memorial Library is part of Minuteman and makes all of its requests online or through E-mail; the Citizen's Library mails requests to Wellesley or the librarian requests network transfers through the Memorial Library. Patrons have more efficient service when they work directly with the Memorial Library and there is an unnecessary delay when their requests are processed through the Citizens' Library first. As a result, the effectiveness of the local appropriation is diluted by funding duplicate operations. It would be in the best interest of our patrons to develop a co-ordinated approach to library service in our community.

Again, I thank you for the opportunity to comment on the statewide strategic plan. It's exciting to think about all the resources Massachusetts public libraries will be able to offer patrons.

Sincerely yours, Manda Mull

Wanda Null Library Director

cc: Ruth Kowal, Eastern Regional Office
Anne Reynolds, Wellesley Free Public Library
Mrs. Frances Bissell, Chairman, Citizens' Library Board of Trustees
Ann Chang, President, Board of Trustees, Acton Memorial Library
Don Johnson, Town Manager, Acton, MA

FILE COPY

TOWN OF ACTON 472 Main Street Acton, Massachusetts 01720 Telephone (508) 264-9612 Fax (508) 264-9630

John Murray Assistant Town Manager

August 20, 1993

Mr. Shawn Russell POM, Inc. P.O. Box 430 Russellville, AR 72801

re: Parking Meters Acton, MA

Dear Mr. Russell:

The invoices for the purchase of 80 APM parking meters and accessories by the Town of Acton have been processed by the Engineering Department and are now on my desk awaiting approval for payment. The "terms and conditions" you offered under the heading <u>POM Incorporated Guaranty</u> and dated July 19, 1993 are generally acceptable except for the need to resolve the following operational problems as quickly as possible before I can feel comfortable approving this payment.

- 1. The meters are malfunctioning on high moisture days. It was represented to us that this problem was solved during the San Diego installation. However, we notice that on damp, rainy mornings large amounts of condensation accumulate in the meter housings and we receive frequent reports of coins failing to register time and the view of the meter is obscured by the moisture inside the lexan dome.
- 2. The meter cards are having two separate problems. The first being that some cards are picking up a few cents when used. The second is that two cards have been returned with an ERR reading.
- 3. The coin readers are currently malfunctioning. To date we have pulled two meters from the lot that are not reading coins and one that returns to a "zero display" before the expiration of 12 hours.
- 4. We have one non-functional meter head lock (meter #13) that we are unable to open in order to install the new rate plate.

Please be assured that when all of these problems are solved to our satisfaction, we will make full payment for all items delivered under the contract.

Very truly yours,

John Murray

Assistant Town Manager

JM/dmj

cc: David Abbt, Engineering Administrator

certified mail# p788878287

.94\*41

# Acton Selectmen To Review Parking Ban Near Commuter Station

Tuesday, September 7, 8:15 PM

Acton Town Hall

(across from the monument on Rt 27)

Room 204

The above information comes from the Assistant Town Manager, who has shown great interest and courtesy in explaining that some neighborhood residents have asked for the parking ban and the town is trying to find a solution that will satisfy the needs of neighbors, Acton commuters and out-of-town commuters. Expanding the town lot does not seem possible due to regulations governing wetlands and traffic. However, there seem to be some other options. If you are having a problem, come help forge a solution.

Peter Weiler Taylor Road Stow, MA

August 2, 1993

The Board of Selectmen c/o Don Johnson, Town Manager Acton Town Hall 472 Main Street Acton, MA 01720

Dear Mr. Johnson:

Navigation Technologies is in the process of developing the most comprehensive database for in-vehicle navigation as part of the Intelligent Vehicle Highway System (IVHS). We believe the system we are developing with our partners, which include AAA, Motorola and Philips Electronics N.V., will have a dramatic impact on the way people drive in the near future.

As the area coordinator responsible for the New England project. I want to ensure that your municipality is recorded by Navigation Technologies accurately. We want your community to be perceived as you see it, not as we may see it from the outside. I firmly believe that the systems currently under development will not only make your roadways safer, but can have a positive impact on business and tourism in your community. I would like to meet with you or your representatives soon to discuss how we may obtain the information we require as well as the points of interest your community would like to see recorded in Navigation Technologies' database. Additionally, we have aerial photography of your town that was flown in April 1993 that we utilize for our system, and that may be of interest to you.

We begin our data collection process by digitizing all road network geometry from U.S. Geological Survey maps and update it with current aerial photography. Street names and addresses are then added and are usually extracted from local government maps and verified with Census Tiger Files. We then add vehicle and turn restrictions, speed limits and ramp sign information that is usually located in local ordinances or engineering logs. We conclude with local points of interest such as historical sites, tourist attractions, parks. restaurants, theaters, etcetera. After the database is complete we drive and test the data to ensure its accuracy and then maintain an active relationship with each municipality to ensure that the data remains accurate and upto-date.

We either have called or will be calling on some of your offices within the next few weeks to discuss our project with you. Please do not hesitate to call me at my Needham office if you have any questions.

Area Coordinator

#### **Enclosures**

Ms. Lela Sorenson, Chief Assessor cc:

Mr. Roland Bartl, Planning Director

Mr. Richard Howe, Public Works Director

Ms. Cornelia Huber. Town Clerk

August 1993

# Tax Bulletin

The Omnibus Budget Reconciliation Act of 1993 (referred to as the Act) was enacted on August 10, 1993. The Act made a number of significant changes in the tax laws. This issue of Hale and Dorr's Tax Bulletin outlines some of the important changes most likely to have an impact on our clients.

## Provisions Primarily Affecting Individuals

Tax Rates Increased: A new 36% rate applies to taxpayers with taxable income over:

\$140,000 — joint filers and surviving spouses

\$127,500 — heads of households

\$115,000 — single people

\$70,000 — married people filing separately

\$5.500 — estates and trusts.

in addition, a new 39.6% rate applies to taxpayers with taxable income over \$250,000 (\$125,000 for married taxpayers who file separately and \$7,500 for estates and trusts). These new rates are

## EXECUTIVE SUMMARY

- ➤ Top tax rates increased to 39.6% for individual taxpayers and 35% for corporations
- New limits imposed on deductions for meals and entertainment and executive compensation
- ▶ 15-year amortizement of goodwill and other intangible property permitted
- ▶ Passive loss relief enacted for real estate professionals
- ▶ Significant changes adopted affecting international businesses
- ► Stock-for-debt exception repealed

effective beginning January 1, 1993. The good news is that the maximum rate of tax on net capital gain will remain at 28%.

#### Tax Tip

Taxpayers may elect to pay the increased taxes for 1993 in three equal installments, due April 15 of 1994, 1995 and 1996, without any interest charge.

#### Tax Tip

Higher income taxpayers should consider tax-free and tax-deferred investments such as tax-exempt municipal bonds and tax-deferred retirement plans. In addition, converting ordinary income into capital gains where possible will result in significant tax savings.

Alternative Minimum Tax Increases: The alternative minimum tax rate has also been increased for higher-income individuals. The rate is now 26% (up from 24%) on alternative minimum taxable income up to \$175,000 (\$87,500 for married taxpayers filing separately), and a new rate of 28% has been added for alternative minimum taxable income above \$175,000.

Estimated Tax Rules Simplified: Generally, individual taxpayers are required to pay at least 90% of each year's tax liability through withholding and estimated taxes. The new law does not change this, but it provides a safe harbor after 1993 so that most taxpayers will be able to satisfy the requirement for the current tax year by paying 100% of the prior year's tax. However,

The good news is that the maximum rate of tax on net capital gain will remain at 28%.

taxpayers with adjusted gross income exceeding \$150,000 (\$75,000 for married taxpayers filing separately) will have to pay 110% of the prior year's tax to meet the safe harbor.

Hospital Insurance Wage Cap Removed: For tax years after 1993, the hospital insurance portion of the social security tax will apply to all wages and self-employment income received by taxpayers.

Charitable Deduction Changes: Written substantiation from the charity, including an estimate of the value of any goods or services given to the taxpayer in exchange for the contribution, will be required in order to deduct any charitable contributions in excess of \$250 made after December 31, 1993. The good news is the repeal of the alternative minimum tax preference for gifts of appreciated property.

Social Security Changes: The Act increases the portion of social security benefits subject to income tax for taxpayers with provisional income (adjusted gross income plus tax-exempt income, certain foreign income and half of social security benefits) in excess of \$44,000 for married taxpayers filing jointly and \$34,000 for others. Such taxpayers may have to include up to 85% of social security benefits in taxable income.

#### Tax Tip

Personal service

corporations and

should reconsider

S corporations

... their present

status.

Taxpayers who may be subject to this higher tax may want to consider ways of deferring to other years income from pension plans, individual retirement accounts or other financial or compensation arrangements permitting deferral.

## **General Business Provisions**

Corporate Tax Rates Increased: The highest marginal tax rate on corporations has been increased from 34% to 35% on taxable income in excess of \$10 million, effective for taxable years beginning on or after January 1, 1993. Corporations with taxable income in excess of \$15 million are also required to increase their tax liability by the lesser of 3% of that excess or \$100,000, to "recapture" the benefits of the 34% rate. The top rate on corporate capital gain is also increased to 35%.

#### Tax Tip

In light of the comparison between these new rates and the significantly higher maximum individual tax rates, certain personal service corporations and S corporations should reconsider whether and how their present status can be useful in continuing to optimize after-tax income.

#### Corporate Estimated Tax Rules Modified:

The Act requires large corporations to base their estimated tax payments on 100% (rather than 97% or 91%) of the tax shown on their returns for the current year, effective for tax years beginning after 1993. Small corporations may still satisfy their estimated tax obligations by paying 100% of the tax shown on their returns for the preceding year. The new law also adds a third choice of income annualization periods and requires corporations to make an annual election of the periods to be used for the year.

Reduced Meals and Entertainment Deduction: Only 50% (rather than 80% as under current law) of the cost of meals and entertainment that meet deductibility requirements may be deducted for tax years beginning after 1993.

Club Dues Not Deductible: No business deduction will be available for dues to any club, including business, social, athletic, luncheon, airline, hotel and sporting clubs, for tax years beginning after 1993.

No Deduction for Executive Pay Over One
Million Dollars: No deduction will be allowed
for compensation paid by a publicly held
corporation to each of its top five executives in
excess of \$1 million per year, beginning in 1994.
Contributions to qualified retirement plans, fringe
benefits, and compensation based on productivity
do not count toward this \$1 million limit.
Compensation based on productivity includes
payments for attaining performance goals
approved by shareholders. The limitation does
not apply to compensation payable under a
written contract in effect on February 17, 1993.

acreased to 35%.

#### Tax Tip

Publicly held companies may want to consider accelerating the payment of bonuses and compensation to 1993. They may also want to consider basing compensation on productivity, and obtaining shareholder approval as required.

Qualified Retirement Plan Compensation Limit Reduced: The amount of compensation that may be taken into account for purposes of calculating benefits from and contributions to qualified retirement plans has been reduced to \$150,000 (from \$235,840) for plan years beginning after 1993.

#### Tax Tip

Amendments to retirement plans may be made to restore some of the pre-Act benefits of retirement plans available to higher-compensated participants. Otherwise, higher-compensated participants will have to seek other methods to build retirement savings.

Amortization of Intangibles: Certain acquired intangible property can now be amortized over a period of 15 years. Eligible intangibles include: goodwill and going concern value, workforce, information bases, patents, copyrights, know-how, customer lists and supplier lists, licenses, permits, franchises, trademarks, trade names, and covenants not to compete. Excluded from eligibility are: many self-created intangibles, interests in a corporation, partnership, trust, or estate, interests under a futures or similar financial contract, interests in land, certain computer software, certain interests that are not acquired with the assets of a trade or business or a substantial portion of a trade or business, certain interests under leases and debt instruments, and professional sports franchises.

Computer software that is (i) "off-the-shelf", noncustom software subject to a nonexclusive license, or (ii) not acquired as part of an asset acquisition of a business, may be amortized over a 3-year period. However, software that is purchased with computer hardware is generally amortizable over the useful life of the hardware, while software with a useful life of less than one year generally remains currently deductible. These rules are generally effective for property acquired after August 10, 1993, but taxpayers may elect to apply them to property acquired after July 25, 1991. Taxpayers may elect not to apply the new rules to property acquired after August 10, 1993, pursuant to a binding written contract in effect on that date.

Mark-to-Market Rules for Securities Dealers:
Securities held by a dealer in securities as inventory must be included in inventory at fair market value (rather than at cost or the lower of cost or market as under prior law). Securities held by a dealer that are not inventory must be marked to market at the close of each tax year, with any gain or loss taken into account as ordinary income or loss by the dealer. Securities held by a dealer for investment must be properly identified to be exempt from these rules, which apply to tax years ending on or after December 31, 1993.

#### **Business Incentives**

Small Business Capital Gains: Non-corporate investors may exclude from income 50% of any gain recognized on the sale of qualified small business stock held for more than five years. A small business generally is a C corporation with less than \$50 million of assets that is not involved in the performance of personal services, financing, banking, real estate, farming, mineral extraction or the hospitality industry. The stock must be first issued by the corporation to the investor after August 10, 1993, and the amount of gain excluded is limited to the greater of \$10 million or 10 times the cost of the stock.

#### Tax Tip

Although it appears that this provision brings the effective tax rate on certain capital gains to 14%, the rate will be closer to 21% for many taxpayers because 50% of the gain excluded will be a tax preference for purposes of the alternative minimum tax.

Research and Experimentation Credit: The research and experimentation credit is reinstated retroactively as of June 30, 1992, and is extended for three years until June 30, 1995. Special rules are prescribed for start-up companies in determining their credit base.

Investors may
exclude from
income 50% of any
gain recognized
on the sale of
qualified small
business stock
held for more
than five years.

Tax-Exempt Bond Financing: Tax-exempt bond financing for certain manufacturing facilities owned by small businesses is reinstated retroactively as of June 30, 1992, and is made permanent.

#### **Real Estate Provisions**

Passive Loss Relief: The Act permits the offset of net passive losses from rental real estate activities in which the taxpayer materially participates against income from any source. To qualify, more than 50% of the taxpayer's personal services must be performed in real property trade or business activities (such as development, construction, conversion, acquisition, leasing, operations, management, and brokerage services) in which he or she materially participates, and the taxpayer must perform more than 750 hours of services in those activities.

#### Tax Tip

Real estate professionals will have to reconsider their various trades and businesses, and begin keeping track of the time they spend providing services.

Pension Investments in Real Estate: The Act facilitates investment in real estate by pension funds and other tax-exempt entities by modifying the rules treating certain income as unrelated business taxable income (UBTI). Changes affect leveraged transactions involving seller financing obtained on commercially reasonable terms, certain sale-leasebacks and acquisitions of foreclosed property, as well as income from certain sales of property acquired from distressed financial institutions. The Act also relaxes the limitations on pension fund investments in real estate investment trusts (RETTs).

Longer Recovery Period: The recovery period for depreciation of nonresidential real property has been increased from 31.5 years to 39 years, for property placed in service on or after May 13, 1993.

Low-Income Housing Credit: The low-income housing tax credit is reinstated retroactively as of June 30, 1992, and is made permanent.

# **International Business Provisions**

Transfer Pricing Penalties Broadened: The Act broadens the application of existing penalties for using incorrect methods in determining transfer prices between related parties. The 20% "substantial valuation misstatement" penalty and the 40% "gross valuation misstatement" penalty will now apply even to smaller companies if adjustments to income exceed 10% or 20% of gross receipts, respectively. The penalties can be avoided under safe harbor rules if the taxpayer uses a method sanctioned by the regulations or which otherwise results in a clear reflection of income, but only if the taxpayer had specific and adequate supporting documentation at the time the tax return was filed.

#### Tax Tip

Affected companies should immediately review the methods used to determine their transfer prices and their documentation.

Excess Accumulated Earnings of Controlled Foreign Corporations: The Subpart F rules have been amended to require U.S. shareholders of controlled foreign corporations to include in income currently certain accumulated earnings that are invested in "excess passive assets" (i.e., passive assets exceeding 25% of total assets, measured by tax basis rather than fair market value).

#### Tax Tip

U.S. shareholders will have to analyze and monitor the investment of controlled foreign corporation earnings much more closely than in the past.

Section 936 Possessions Credit Curtailed:
U.S. taxpayers entitled to the existing Section 936
possessions tax credit will now have to elect either
(i) a percentage limitation reducing the available
credit to 60% (phasing down to 40% by 1998)
of the credit allowed under current law or (ii) an
economic activity limitation based on prescribed
percentages of the company's compensation
expenses and depreciation.

Companies should immediately review the methods used to determine their transfer prices and their documentation.

Allocation of Research and Experimental Expenses Modified: The Act requires the allocation of 50% (instead of the current 64%) of research and experimental expenses to the place of performance, with the remainder to be apportioned on the basis of either gross sales or gross income. This provision applies for only one year, following which the original 1977 Treasury regulations will apply.

Earnings Stripping Rules Expanded: The earnings stripping limitations on the deduction of interest expense paid to a related foreign or tax-exempt person have been expanded to apply to loans made prior to July 11, 1989 that were previously grandfathered, as well as to loans (including existing loans) guaranteed by a related foreign or tax-exempt person, for interest paid or accrued in tax years beginning after 1993.

#### Tax Tip

Taxpayers should consider restructuring international financing arrangements before the end of 1993, but note that the Internal Revenue Service is authorized to recharacterize any multiple-party financing transaction as a transaction directly among any two or more of the parties.

No Portfolio Interest Exemption for Contingent Interest: The Act repeals the exemption from withholding tax for portfolio interest received after 1993 that is determined by reference to receipts, sales, income, profits, cash flow, appreciation or a similar factor, although contingent interest paid on fixed-term debt incurred prior to April 8, 1993 remains exempt.

## **Bankruptcy and Debt Modification Provisions**

Repeal of Stock-for-Debt Exception: The stock-for-debt exception available under prior law to insolvent debtors and debtors in Title 11 proceedings is repealed, effective for transfers of stock for debt after December 31, 1994. As a result, such debtors will be required to reduce their tax attributes (including, most significantly, net operating loss carryovers) in an amount equal to the debt discharged in excess of the fair market value of the stock transferred.

#### Tax Tip

The stock-for-debt exception will still apply if a Title 11 proceeding is commenced during 1993.

Real Property Business Debt: Taxpayers other than C corporations may now exclude cancellation of debt income arising from the discharge of "qualified real property business debt" after December 31, 1992, by electing to reduce the basis of depreciable real property. The debtor need not be insolvent or in a bankruptcy proceeding.

Additional Tax Attributes Reduced: Passive activity losses and minimum tax credits have been added to the list of tax attributes that must be reduced when cancellation of debt income is excluded by a bankrupt or insolvent debtor, effective for tax years beginning after December 31, 1993.

Reporting of Cancellation of Debt Income: Financial institutions and government agencies are required to file information returns reporting any cancellation of debt of \$600 or more.

#### **Certain Provisions Not Enacted**

No "Nanny Tax" Relief: The Act did not include proposed relief for people who employ domestic workers, such as babysitters, housekeepers and yard workers, by raising the threshold for withholding and paying Social Security taxes on domestic workers.

Reporting of Service Payments to Corporations
Not Required: Payments made in the course
of a trade or business to noncorporate service
providers must be reported by the payor to the
Internal Revenue Service. The Act did not extend
the reporting requirement to payments made
to corporations.

No Mutual Fund Shareholder Basis Reporting: Brokers must currently report gross proceeds of sales, redemptions or exchanges of mutual fund shares on information returns. A proposal to require reporting of tax basis and holding period information as well was not enacted, so mutual fund shareholders must continue to keep track of this information on their own.

The Act did not include proposed relief for people who employ domestic workers, such as babysitters.



## Minuteman Advisory Group on Interlocal Coordination

c/o MAPC, 60 Temple Place, Boston, MA 02111 617 / 451-2770

#### **MEETING NOTICE**

September 9, 1993

Hudson Town Hall Main St. Hudson

7:30 p.m. Updates and Briefings

Ft. Devens

CAC

Enterprise Commission Regional Housing Task Force

Participation First Meeting

Sudbury Annex — Four-town Meeting Subregional Survey and Evaluation

Potential DRIs

Other

7:45 p.m. Community Reports

Each community will have a brief opportunity to update the

group on local activities of subregional interest

8:00 p.m. Transportation Issues

Regional Transportation Plan

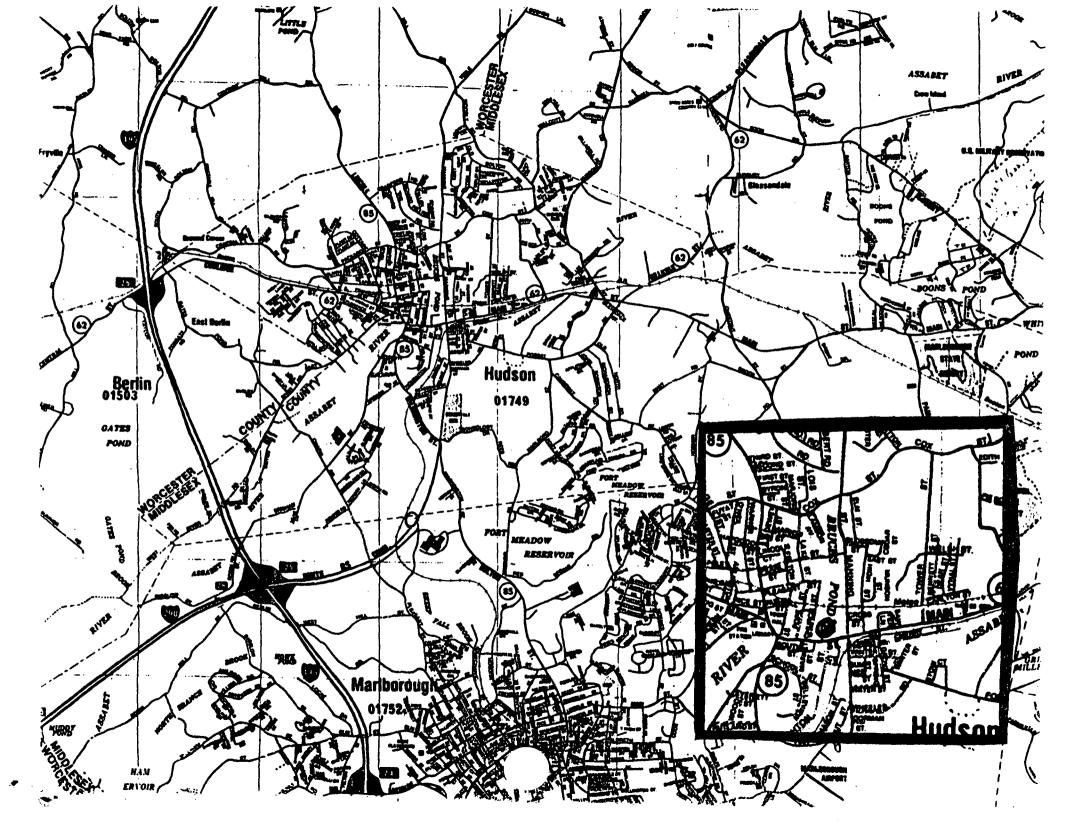
TIP Amendments

8:15 p.m. FY 94 Work Program

MAGIC reps should review the enclosed "MAGIC Work

Program Ideas" & "Work Program Proposal." From this starting

point, the group will formulate this year's work program.



August 26, 1993

TO:

Board of Selectmen

FROM:

Anne Fanton

SUBJECT:

Comments on Strategic Assessment Report (See attached)

Marilyn Wolfson, a member of our Fort Devens Task Force, has been attending the meetings of the Strategic Assessment Report (SAR) Roundtable Committee, which has been reviewing development of the study reassessing the demand for a Second Major Airport (SMA) and other alternatives. This is an increasingly complex subject with which I cannot keep up, and I am pleased that we have a representative on top of it. In fact, when the Task Force meets with us on Sept. 21, I will suggest that we appoint Marilyn as our second alternate to the Hanscom Field Advisory Committee. She does seem to have an interest and if you recall, Ken Klemmer wrote us that he will not be seeking reappointment in the Spring of 1994.

Marilyn was on vacation recently and due to the tight time frame for comments on the SAR, has just given me the attached draft comment letter which would have to be submitted by Sept. 2. Dore' decided that it could be included in your packets for review and he would sign it if there were no objection. I have made the minor corrections that are handwritten.

<u>Please call Dore' by Monday</u> if you have an objection or suggested changes. Dore' and I feel that it is useful for us to be on the record. F.Y.I., I have copied the pages on "Scenario Effects" from the Executive Summary which Marilyn gave to Dore' and me. My copy is in the Reading File. I have never seen VHSR before. Very High Speed Rail?? Maglev is of course magnetic levitation, or train-like vehicles levitated above fixed guideways and propelled by magnetic fields.

anne

8/25

Anne,

Here is a draft letter that Acton could send. We must get the letter to ADL on or before September 2nd. (Letters sent to Jenney are being forwarded to ADL. I thought MAC should be addressee, too in case our comments do not get published in Vol. III.) The phrases like "Scenario Effects" have a very specific meaning, and I've enclosed full copies of the SAR Vol. I for you and Dore so you can understand them. I purposely did not elaborate in the draft letter because we have been strongly encouraged to keep it brief & to the point, and readers of Vol. III will be knowledgeable.

You might want to enclose a cover note with the letter to Burger at ADL stating something like:

Although Acton did not have an official representative on the SAR Roundtable Committee, a member of our Ft. Devens Task Force was present at most of the meetings. Our town is very concerned with future transportation initiatives and we would very much like our comments to be published in Volume III of the SAR.

Insert in letter

Carol Place's and John Ekberg's comments have been incorporated in the draft. Don't hesitate to call with questions, etc.

(35-055)

- Marily

DRAFT

new date August 25, 1993

Mc.Todd Burger, SAR Project Manager Arthur D. Little, Inc 25 Acom Park Cambridge, MA 02140 – 2390 McRobert Jenney, Executive Director Massachusetts Aeronautics Commission 10 Park Plaza, Room 6620 Boston, MA 02116 – 3966

Deac Mc. Mc.

The Road Burger and Backert Jenney:

insert New P

The Town of Acton is concerned with the recently published SAR. The technical modeling effort that went into estimating Demand was excellent, but we understand a similar quality effort for estimating the Scenario Effects was beyond the scope of the study. In lieu of this, subjective rough estimates were put forth, and these are clearly a weakness of the report. Had Scenario Effects been estimated properly, the special consideration given Hanscom Air Force Base as a probable levation for a new large regional/reliever airport probably would not have been warranted. We hope policy makers realize the SAR objective of "identifying the likely effects of pursuing various courses of action" has only partly been met.

Acton will be following closely future initiatives in high speed transportation for people within and around our community. We applaud MAC for encouraging ADL to consider several different Facility Elements in the SAR study. The result that "In 2010, VHSR/maglev offers the largest diversion of passengers away from Logan International Airport of any facility alternative" demonstrates the wisdom of this decision.

Sincerely, F. Doré Hunter, Chairman Board of Actor Selectmen

CC. Senator Robert Durand Representative Pamela Resor Congressman Martin Mechan

#### **Executive Summary**

Because the capacity of Logan International Airport is measured in aircraft operations, it was necessary to translate the forecast passenger demand levels into aircraft operations at Logan International Airport. This translation then makes it possible to determine if there would be sufficient capacity at Logan International Airport over the study period.

The forecast passenger demand levels for Logan International Airport in each of the eight scenarios were translated into both annual and weighted average peak hour aircraft operations. These aircraft operations estimates were then compared to existing and projected annual and weighted average peak hour capacity estimates.

- The number of peak hour aircraft operations required to transport a given level of passenger traffic, assuming that no operating limitations have been imposed on the carriers (e.g., peak hour pricing policies to restrict the use of the airport by smaller aircraft), depends on the:
  - Size of the average aircraft (determined separately for air carrier and commuter)
  - Mix of air carrier, commuter and general aviation operations
  - Load factors (i.e. average percentage of seats occupied by passengers on an annual basis, as well as during the peak hour, separately for both air carrier and commuter)
  - Peaking characteristics of the airport

A spreadsheet computer model was constructed, based on a capacity analysis model developed by Massport to take all of these factors into account. This analytical effort resulted in an estimate of the number of annual and peak hour operations that would occur based on the passenger level from the demand forecast.

In this analysis, each of the aircraft operating variables was forecast in a range with probabilities of occurrence associated to each. This enabled the SAR team to calculate the probability that annual and peak hour operations would exceed certain thresholds corresponding to the known airfield capacity of the airport, given average weather conditions. The application of probabilities and the incorporation of probable industry operating practices differentiates the SAR study from earlier Massport efforts.

#### H. Scenario Effects

The impacts on key stakeholders of each of the facilities is identified for each scenario. The key stakeholders include:

- The traveling public
- Citizens/residents within the defined market area
- Residents directly or indirectly affected by the infrastructure
- Transport providers

#### **Executive Summary**

Employers

The effects are categorized by type, including the:

- Overall performance of the regional transportation system
- Economic effects of developing the system
- Economic development and growth resulting from the operation of the regional transportation system
- Environmental impacts, including noise and air pollution
- Effects on the character of communities in which new facilities or new patterns of operation are to be implemented

The SAR highlights the impacts on the surrounding communities and the region of landbanking a site in the interim period prior to construction of a facility or the decision that it is not needed. Because the Commonwealth has only two basic options in terms of landbanking (either to do it now or potentially find appropriate sites unavailable at some point in the future), and because there are two outcomes associated with the need for the site (either it will be needed or it won't), there are four combinations of actions and outcomes with which policy-makers must contend. These four possible combinations are:

- Landbank a site and the SMA/LRRA or other transportation facility is ultimately needed
- Do not land bank either of the SMA sites or land that might be required for other transport facilities and the SMA/LRRA or other transportation facility is ultimately not needed
- Landbank a site and the SMA/LRRA or other transportation facility is ultimately not needed
- Do not land bank either of the SMA sites or land that might be required for other transport facilities and the SMA/LRRA or other transportation facility is ultimately needed

In the first two action/outcome pairs above, the actions and outcomes appear properly matched. In the last two action/outcome pairs above, the decisions taken clearly do not support the outcomes. The problem facing the Commonwealth today is that it is not yet known with any degree of certainty whether the SMA/LRRA site or land that might be required for other transportation facilities will in fact be necessary. This uncertainty is attributable to the technical and economical risks associated with both the SMA/LRRA

#### **Executive Summary**

and the alternatives to development of a SMA/LRRA. For this reason, the decision facing policy-makers concerns:

- Weighing the different costs associated with last two action/outcome pairs
- Judging the other potential impacts of the last two action/outcome pairs
- Assessing the likelihood of each action/outcome pair actually occurring

One impact of landbanking is that an asset is removed from productive use for an indefinite period. Such an action might preclude certain development options from ever being exercised. For example, a number of development options have been publicly discussed for the Ft. Devens site, including:

- Construction of a prison, an intermodal facility, and/or an industrial park
- Creation of new park land

There are two reasons why landbanking would not necessarily preclude such developments from occurring. First, the Ft. Devens site is large enough to accommodate more than one use. Second, proposed re-use developments may be possible at alternate sites. The SAR study concludes that the cost to the local communities of landbanking the site is modest compared to the enormous cost to the Commonwealth of not being able to meet demand should the SMA/LRRA be required and no sites be available. Similarly, at the Gardner/Winchendon site, there appears little in the way of alternative uses for the site which could not happen elsewhere in the vicinity. These conclusions are based on the availability of land for commercial development in the state and in the particular communities mentioned above.

There remains an issue that the Commonwealth may find public uses for the parcel that would be difficult to duplicate on non-contiguous or otherwise smaller parcels. However, such public uses would tend not to have large economic value to the region by comparison to the economic consequences of not being able to meet high-speed transportation demand.

#### L Potential Future Initiatives

#### 1. Introduction ·

The SAR effort was not commissioned to make ultimate recommendations or set policy. Such tasks are more properly the direct responsibility of the Commonwealth. Rather, the SARs objectives are to:

- Analyze and clearly present information for use by decision-makers regarding high-speed intercity travel demand and capacity to/from the eastern/central Massachusetts region
- Identify the likely effects of pursuing various courses of action to meet (or not meet) the expected demand for intercity high-speed transport

## FT. DEVENS REUSE CENTER

**Announces** 

MONTHLY PLANNING WORKSHOPS

to develop a

# FT. DEVENS REUSE PLAN

- Open to everyone interested in Ft. Deven's future
- Participants will shape what is to become of the base
- · Working sessions designed to put you in the driver's seat

If you can set-aside five days over the next five months to determine the fate of Ft. Devens, please plan to attend these workshops!

Thursday afternoons and evenings from 1-5:00 PM and 6-10:00 PM on the following dates:

August 26 September 23 October 28 November 18

December 16

at the

Ft. Devens Officers/Enlisted Club
Sherman Avenue, Ft. Devens, MA

Sponsored By:

Ft. Devens Host Communities

Ayer • Harvard • Lancaster • Shirley

& the Massachusetts Government Land Bank

with funding from the
Office of Economic Adjustment, U.S. Dept. of Defense

#### FT. DEVENS REUSE PLANNING WORKSHOPS

#### Who Should Attend?

Residents of the Ft. Devens host communities and surrounding region, business owners, managers and employees of firms affected by the Ft. Devens closure and reuse, Ft. Devens employees, agencies, organizations and firms interested in locating at the new Ft. Devens, local, regional, state and federal officials involved in closure and reuse should all plan to attend. Participants are welcome to attend any workshop or part of a workshop, but each workshop will build on the last one so try to attend all five.

#### What is a Preliminary Reuse Plan?

By the end of this year we hope to have built consensus around a preliminary reuse plan that will indicate what types of reuse and development should occur on different parts of Ft. Devens. Experience at other bases emphasizes the need to get all interested parties to work together to develop a plan we can all support. If we can reach consensus on a preliminary plan through these workshops, we will be farther ahead than most base closure communities and ready to tackle the challenge of Ft. Devens' closure. The schedule calls for completion of a preliminary plan by the end of this year, to be followed in 1994 by development of a detailed plan and Town Meeting approvals in late 1994 or early 1995. Ft. Devens will close in late 1995.

#### Registration & Briefing Materials

Registration is not required for the workshops and there is no charge or fee. However, if you would like to receive a package of briefing materials prior to each workshop, please visit the Ft. Devens Reuse Center or call us at (508) 772-6340, Monday-Friday 8:00 AM to 5:00 PM, and ask to be put on the Reuse Planning Workshop participant list. Briefing materials will also be available at each workshop and at the Reuse Center one week prior.

## Workshop Leaders

A nationally acclaimed technical planning consultant team, selected jointly by the host communities and the state, will conduct the workshops and prepare briefing materials and supporting data. The team includes: EDAW, Inc., a Virginia based land planning firm experienced in military base reuse and large scale development plans; Vanasse Hangen Brustlin, Inc., a Watertown, MA, based environmental planning and engineering firm; RKG Associates, Inc., one of the most experienced military base reuse market analysis and development firms in the country; Cecil & Rizvi, Inc., a Boston based architectural firm specializing in innovative building reuse; SAR Engineering, Inc., a mechanical and electrical systems engineering company; Meredith & Grew, Inc., one of the most experienced full service market research and brokerage firms in New England; Haley & Aktrich, Inc., hazardous waste and geotechnical specialists; Foley Hoag & Eliot law firm; and, John Lynch, former Deputy Director of the Office of Economic Adjustment and an expert on successful base reuse. This team was selected because of their relevant experience and their commitment to working with us to build consensus for reuse.

## Directions to the Ft. Devens Officers/Enlisted Club

From the Verbeck Gate at W. Main Street go straight on Sherman Avenue, take third left into Officers Club parking lot. From Jackson Gate at Route 2 proceed straight on Jackson Road until end, turn left onto Givry Street and an immediate right onto Sherman Avenue. Proceed on Sherman Avenue to sign on right for Officers Club (at Parade Ground Flag Pole).

For additional information about the Reuse Planning Workshops or any other Ft. Devens reuse issue, please contact the:

Ft. Devens Reuse Center

Building P-5, Antietam Street, Ft. Devens

Mailing Address:

P.O. Box 350, Ayer, MA 01432-0350

(508) 772-6340 Fax (508) 772-7577

8/11/93

## FT. DEVENS REUSE UPDATE

Working Together for Pt. Devens: Future

Ayer • Harvard • Lancaster • Shirley

Published by the Ft. Decens Reuse Center/PtD. Box 350, Aver MA: 01432-0350. (608) 772-6340. Fex (508) 772-7572

August 1993 Vol.1, No. 1

#### Welcome ...

to the first issue of the Ft. Devens Reuse Update, a monthly highlight of progress and upcoming events to convert Ft. Devens to successful civilian use. We hope this will help to keep you up to speed with. rapidly developing plans for the base. Please send along any suggestions you may have for future editions. If you are not on our mailing list and would like to receive this and other notices, please call or write the Ft. Devens Reuse Center, or better yet drop by and visit Monday-Friday from 8:00 am to 5:00 pm.

## South Post Preservation Effort Moves Forward

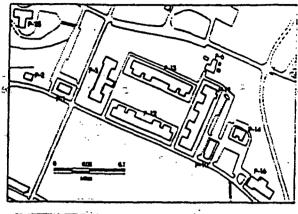
Following an enthusiastic crowded meeting held by Lancaster Selectmen in July, the Joint Boards of Selectmen has joined forces with the Nashua River Watershed Association, Citizens for the OxBow-Refuge Expansion, the National Fish and Wildlife Foundation and leading national environmental organizations to seek Congressional action to protect the natural habitat of Ft. Devens' 4,600 acre South Post training area should the Army ever decide to surplus the property. A study conducted by the U.S. Fish and Wildlife Agency last year indicated significant wetlands and potential endangered species habitats on the South Post which are unique to our region. We will be working closely with Congressmen Meehan, Olver and Blute as well as Senators Kennedy and Kerry on this important effort. If you would like to help, call the Reuse Center or Joan Allen at the Nashua River Watershed Association (508) 448-0299.

#### work your calendars for nive upon Ft. → Devense Commissary ≥ to Stay of Open Under DOD Pllot Program

The 92,000 military retirees in New England who depend on Ft. Devens for benefits and services received good news this week when Senator Kennedy announced approval by the Senate Armed Services Committee of a pilot program to keep the Ft. Devens Commissary open after the base closes in 1995. The new 80,000 square foot Commissary, completed just in 1991, currently has 83 employees and is very popular with local and regional retirees. We will keep you posted with details of the pilot project as they are developed.

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CONCEPTUAL SIZE FLAS

## Devens Under Consideration for Defense Finance & Accounting

Systems Facility A At the direction of Secretary of Defense Aspin, Base Realignment and Closure military installations such as Ft. Devens are being considered for siting of 5-15 Defense Finance and Accounting System (DFAS) facilities that will each employ between 1,000-4,000 people. Ft. Devens, which has a small DFAS facility already on post, has been asked by the Department of Defense to submit information about buildings suitable for DFAS use. The Joint Boards of Selectmen decided in July that its first priority was to secure a site for Massachusetts. With DOD's new site selection criteria. Ft. Devens may have a better shot this time around. Over 2,000 DOD civilian positions at Devens are threatened by the base closure.

## Prison Med Center Leaps Ahead

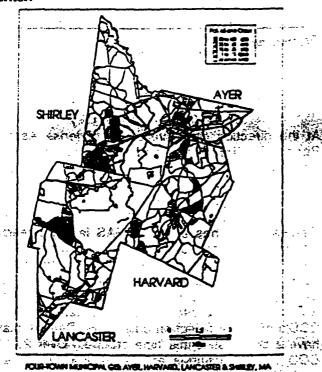
\$ & Environmental Work on Fast-Track The future Devens Federal Prison Medical Complex moved two steps closer to reality this month as the House and Senate approved over \$72 million for construction in the next fiscal year budget and the Bureau of Prisons started work the required environmental reviews. Development of the first phase, reuse of the existing Cutler Army hospital will get underway in 1994. The Center will offer between 350-500 new jobs for the hard hit north central Massachusetts region and over 1,000 construction jobs.

## Selectmen Re-organize Devens Reuse Effort

At its August meeting, the Joint Boards of Selectmen revamped its two year old base reuse effort to better meet the many demands and opportunities faced by the host communities. Numerous committees and working groups formed over time were consolidated into four main committees:

- Development
- Reuse Planning
- Environment
- South Post/OxBow Refuge

Sub-committees include Federal Prison, Geographic Information System, EnviroTech Center and Moore Airfield. The Joint Planning Boards and other town boards will continue to have a significant role in all aspects of the reuse effort. If you are interested in joining a committee, please call the Ft. Devens Reuse Center.



estact vo Reuse Center GIS Helps to Analyze Municipal is Service Issues 1884

After months of planning and research, the Reuse Center's Geographic Information System (GIS) is up and running, and is already being used by host community public safety officials and other departments to find more cost effective ways to deliver municipal services. Funded by the MA Executive Office of Communities and Development, the Office of Economic Adjustment of the Dept. of Defense and the towns, the GIS will also play a vital role in assisting local and state planners to develop models for reuse of Ft. Devens and to forge local

economic development efforts. The system is available for use by all town boards and agencies.

## Devens EnviroTech Center Concept Begins to Snowball

Academics, industry leaders, environmentalists and state and local officials have been holding regular meetings throughout the summer to develop plans for an Environmental Technology and Training Center at Devens. Conceived at the Ft. Devens Charrette last spring, the EnviroTech Center would assist researchers and industry to develop new environmental technologies and provide training opportunities to meet the demand of the fast growing environmental industry in New England. Early work has sparked the interest of four companies which are looking at developing new technology demonstrations at Devens. Call the Reuse Center for the next meeting date.

Army, State and Towns Working Together on Impact Statement Environmental

In order to avoid costly delays and legal challenges encountered at other closed military bases, the Army, state and host communities have forged a partnership committing the different levels of government to work together at every step of preparation of the federal Environmental Impact Statement required for base closure. The agreement provides the towns with timely access to environmental data and analysis as it is developed by the Army Corps of Engineers. The towns and the state have agreed to assist the Army by providing information about the region and in accelerating review of documents. Completion of the EIS is scheduled for June of 1995 with state environmental review following several months later.

## Planning & Workshops Reuse -Scheduled

Mark your calendars for five upcoming monthly workshops to develop the Et. Devens Reuse Plant Company (1900) August 26 Acid - 180 50 55

- September 23
- October 28
- November 18 12 18 18 18 18
- December 16

Thursday afternoons and evenings from 1-5:00 pm and 6-10:00 pm at the Ft. Devens Officers & Enlisted Club. Call the Reuse Center for more information at (508) 772-6340.

## Ft. Devens Reuse Center

Ayer • Harvard • Lancaster • Shirley

クラグラック Working Together for Ft. Devens' Future

Bida, P-5, Antietam Street, Ft. Devens P.O. Box 350, Ayer, MA 01432-0350 (508) 772-6340 Fax (508) 772-7577

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WEER OFFICER

FT. DEVENS REUSE CENTER INFORMATION

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The Ft. Devens Reuse Center is the focal point for local and state efforts to create a new Ft. Devens when the U.S. Army closes the base in 1995. The Center was established in the summer of 1992 by the Joint Boards of Selectmen of the Ft. Devens host communities of Ayer, Harvard, Lancaster and Shirley, and is open to all parties interested in reuse of the base. The Center serves as an information data bank, meeting place and educational resource for base reuse planning, environmental reviews, Superfund clean-up and reuse development. The Center is funded by the Ft. Devens host communities, the Office of Economic Adjustment of the Dept. of Defense) the U.S. Army, and the Massachusetts Government Land Banks.

## CENTER HOURS

Monday-Friday/8-00 am=5.00 pm and selected weekday evenings

## HEROMIGES AVAILABLE

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- Hazardous Waste Superfund Clean-up.
- MA Environmental Policy Act (MEPA) and National Environmental Policy Act
  (NEPA) Environmental Reviews for Base Reuse

  Reviews for Base Reuse

  March 1988

  March 2019

  March 2
  - Base Reuse Planning Status & Public Participation
- Proposed Reuse Projects Business & Development Opportunities
- Handouts, Videos & Minutes of Workshops and Meetings
- Building & Infrastructure Information of
- Press clippings on Devens closure and reuse a stress.
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- A Joint Boards of Selectmen, Ft. Devens Host Community
- A MEPA Citizens Advisory Committee
- A Reuse Planning & Development Working Committees

#### Also Available

Calendar of upcoming workshops, meetings and public comment period deadlines

Monthly update newsletter (Call, write or stop by to get on our mailing list)

# FT: DEVENS REUSE **VOLUNTEER OPPORTUNITIES**

If you have a special skill or interest, have a few hours a week or month, and care about the future of Ft. Devens, volunteer to assist with the reuse The Ft. Devens Reuse Center needs volunteers to work on special projects, assist Center stati and participate on working proups and committees

Special projects include research of environmental protection and clean-up. Issues, pouling forether and overlate presentations will be also shear. grant, applications, and livers = infancial analysis and as wide atings of other needs we haven't been able to tackle yet. We also are date in total libraind maintain our database of information about the base, sets of meetings accepted mailing lists and respond to inquiries and concerns. Parties interested in locating at Devens need assistance With lours information wackets and develonimava de adocesa de la

Working groups have been established to focus on specific issues including:

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Reuse Planning

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Reuse Development

Geographic information System

llayoue would like to get thin out to be thin in out the constant of the constant out. volunteer coordinator March Shaw, (at (503) Tile (340), or stop by the (center) (open:M=F-8:00 AM = 5:00 PM) or send the form below.

Help us build a successful reuse ofest. Devension

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## FT. DEVENS REUSE CALENDAR

August 11, 1993

## *AUGUST/OCTOBER 1993*

Tuesday Aug. 17, 1993

JOINT PLANNING BOARDS

Hildreth House, Harvard

7:30 pm

Working meeting of host community Planning Boards and interested citizens.

Thursday Aug. 26, 1993

REUSE PLANNING WORKSHOP

Ft. Devens Officers Club

1-5:00 pm and 6-10:00 pm

First of a series of monthly workshops to develop a Ft. Devens Reuse Plan . This workshop will focus on the physical opportunities and constraints, including facilities available for reuse, environmental and infrastructure issues, and ideas from other military bases. Please mark your calendar and plan to participatel

Thursday Sept. 2, 1993

MEPA CITIZENS ADVISORY COMMITTEE MTG

Ft. Devens Reuse Center

7:00 pm

Monthly meeting of Citizen Advisory Committee for the Massachusetts Environmental Policy Act (MEPA) review of Devens reuse plans.

Thursday Sept. 9, 1993

JOINT BOARDS OF SELECTMEN MEETING

7:00 pm

Ft. Devens Reuse Center

Monthly meeting of Selectmen of Ft. Devens host communities of Ayer, Harvard, Lancaster and Shirley. Area residents, interested parties and regional representatives encouraged to attend. Agenda available from Ft. Devens Reuse Center and Towns Halls one week prior to meeting.

Thursday Sept. 23, 1993

REUSE PLANNING WORKSHOP

Ft. Devens Officers Club

1-5:00 pm and 6-10:00 pm

Second of a series of monthly workshops to develop a Ft. Devens Reuse Plan. This workshop will focus on private and public market opportunities, and determining ranges of possible uses for areas of the base. Please mark your calendar and plan to participate!

Thursday Oct. 7, 1993

SUPERFUND TECHNICAL REVIEW COMMITTEE

Building 2602, Ft. Devens

1:30 pm

Quarterly meeting of Ft Devens Superfund clean-up review committee to discuss latest findings of Army investigations and proposed remediation plans.

Thursday Oct. 7, 1993

MEPA CITIZENS ADVISORY COMMITTEE MTG

Ft. Devens Reuse Center

7:00 pm

Monthly meeting of Citizen Advisory Committee for the Massachusetts Environmental Policy Act (MEPA) review of Devens reuse plans.

Thursday Oct. 14, 1993 AGIO GO LOUNT BOARDS OF SELECTMEN MEETING

Ft. Devens Reuse Center 22 7:00 pm 27 11 3 7 7 7 8 Monthly meeting of Selectmen of Ft. Devens host communities of Ayer, Harvard, Lancaster and Shirley. Area residents, interested parties and regional representatives encouraged to attend. Agenda available from Ft. Devens Reuse Center and Town Halls one week prior to meeting.

Thursday Oct. 28, 1993

REUSE PLANNING WORKSHOP

Ft. Devens Officers Club

1-5:00 pm and 6-10:00 pm

Third of a series of monthly workshops to develop a Ft. Devens Reuse Plan. This workshop will focus on developing reuse alternative plans for the Main and North posts.

FOR ADDITIONAL INFORMATION, please contact Ft. Devens Reuse Center at (508) 772-6340.

## FT. DEVENS REUSE

## PLANNING WORKSHOPS

An invitation for you to decide Ft. Devens' future!

We need your ideas, energy and participation for five monthly workshops starting August 26 to develop the Ft. Devens Reuse Plan.

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A partnership effort of the

Ft. Devens Host Communities

Ayer • Harvard • Lancaster • Shirley

& the

Commonwealth of Massachusetts

Massachusetts Government Land Bank

# Ft. Devens Reuse Center

Aver • Harvard • Lancaster • Shirley Bidg. P-5, Antietam Street, Ft. Devens P.O. Box 350, Ayer, MA 01432-0350

NEUTO). The Test of

Thursday Commission For St. Florida and St. Fl

> Shirley, MA 01464 Permit #24

Nancy Tavinier
Acton Town Hall
Acton MA, MA 01720

orking Together for Ft. Devens' Future

Dated Material Enclosed!

cc..1500

# Proposed Revisions to Statewide Ridesharing Regulation

The current statewide regulation requiring employers with 250 or more employees to submit plans to reduce the number of single occupancy vehicle trips to the worksite is expected to be enforced or revised as part of the 1993 State Implementation Plan (SIP). The task force for the Clean Air Action Plan for Transportation is the group considering ridesharing proposals. Their recommendations will be submitted to the Department of Environmental Protection SIP steering committee for submittal to the U.S. Environmental Protection Agency on November 15, 1993.

Mayor Mann and the City of Newton will host a DEP briefing on Monday, September 13, at 9:00 a.m., for local elected officials and ity/town administrators on proposed new ridesharing regulations and other Task Force findings.

Contact: Rachel Kuropatwa

# Fall Council Meeting

To ensure local official input and involvement in the Regional Transportation Plan (which must be submitted to the federal government by October 1) the Fall Council meeting, traditionally held in October, has been changed to Tuesday, September 21, 1993. The meeting will kick-off at 3:30 p.m. at the Wellesley College Club. Stay tuned for more information.

Contact: Donna Howard

# Transportation Plan Public Participation

Community representatives, state and local officials, public interest groups, and citizens attended the MAPC/JRTC hosted meetings on the Transportation Plan held August 2, 4, 9 and 10. Concerns raised at these meetings included transportation improvements impact on development; improved accessibility to transit, sidewalks, and the transportation

network in general; the need for bicycle and freight transportation improvements, and Chapter 90 funding issues. Copies of the Transportation Plan are available through MAPC's Public Information Office. Communities are reminded that the deadline for public comment is September 3rd.

MAPC has also compiled an appendix of the comments received to date. The document will be updated shortly after the September 3rd comment deadline and will be available upon request at the Public Information Office. Contact: Donna Howard

### In Recognition Of

Gail M. Oliva, a long-standing and valued member of the Council, died at the New England Medical Center in Boston on June 27, 1993. Gail served on the MetroWest Growth Management Committee and as Wellesley's alternate on the Council (appointed in August, 1981). She will be deeply missed.

#### Timetable for State CHAS

EOCD has held statewide hearings on housing needs in preparation for a revision to its CHAS (Comprehensive Housing Affordability Strategy). The CHAS specifies how the state will allocate housing dollars for the next five years, and is important to local communities, particularly those that rely solely on the state for housing assistance. MAPC testified at the Boston hearings, encouraging consistency with the principles of MetroPlan 2000. Communities are urged to provide input to EOCD to ensure that future programs meet their needs.

Written comments on housing needs will be accepted through Sept. 30. The draft CHAS will be available in mid to late October, with a 30-day comment period thereafter. EOCD's goal is to submit the final CHAS early in December, in advance of the December 31, 1993 deadline. Contact Kate Racer (617) 727-7824 or Judy Alland at MAPC.

# MAPC Joins Harbor Island Tour with Babbitt & Studds

MAPC's Vice President, William Constable and staffer, Martin Pillsbury joined Interior Secretary Bruce Babbitt and Congressman Gerry Studds on Saturday, July 31st at the George's Island press conference announcing a new federal initiative to study the inclusion of the Boston Harbor Islands in the National Park System. With the help of Congressman Studds, a \$250,000 appropriation is expected by Congress for the National Park Service study. MAPC wrote the original Boston Harbor Islands Comprehensive Plan more than twenty years ago and continues to be interested in the use and management of these regionally significant resources. Contact: Martin Pillsbury

# Water Supply Protection

The SouthWest, Ipswich/North Coastal, and Cape Ann Water Supply Protection study efforts have been boosted, with the help of MAPC interns Erin Kelly, Jim Gascoigne, and Jason Kass. The SouthWest Water Supply Protection Plan is near completion with public meetings expected this fall. Watershed delineations, data collection on potential sources of contamination, and review of local bylaws and regulations continue on the Ipswich/North Coastal and Cape Ann Water Supply Plans. Draft plans will be complete in the early fall.

Collectively, the two plans address water supply protection needs for the Danvers/Middleton water system, and for municipal systems in Peabody, Topsfield, Gloucester, and Rockport.

Contact: Mary Ellen Schloss

### **Cabinet Day**

MAPC joined the MetroWest Growth
Management Committee in welcoming
Governor Weld, Lt. Governor Cellucci, and
the Cabinet Secretaries to MetroWest on
August 3rd. The day-long visit began with a
canoe trip on the Charles River, and ended

with an open-to-the-public cabinet meeting in Framingham and a televised town meeting in riborough.

# **Bicycle Advisory Committee**

MAPC is forming a Bicycle Advisory
Committee to assist in the development of a
bicycle component to the transportation
element of MetroPlan 2000. The committee
will begin its work at the end of the month in
September, mapping a regional bikeway
system and developing policies to encourage
bicycling as a form of transportation.
Recreational and commuter cyclists from
around the region are encouraged to join the
committee.

Contact: Joan Blaustein

# Corridor Report

The Route 9 corridor report has been released and is available through the MetroWest Office. Contact Kathy Bartolini at (508) 651-7350

#### NewsNote

MAPC's President, Edmund Tarallo and Executive Director, David Soule were featured in the August 22nd broadcast of Boston This Week, a WSSH (99.5 FM) news and information program. Host Jordan Rich interviewed Tarallo and Soule in an 18-minute segment on the Transportation Plan and what it means to communities in the MAPC region.

Contact: Donna Howard

# Interlocal Agreements

The Executive Office of Communities and Development is seeking copies of interlocal agreements for any cooperative activity among two or more Massachusetts communities for incorporation in the Bureau of Planning and Regionalism's database of cooperative municipal activities. Information may be sent to: Hilary Spector, Regionalism Coordinator, EOCD, Room 1803, 100 Cambridge St., Boston, MA 02202.



# Vacant Site Survey

The project is coming to a close with final updates and quality control checks in progress. Mapping has begun using a new base map from Mass/GIS. Look for a mailing in mid-September to offer input on your town's data. When final reviews are in, data will be sent to the Massachusetts Alliance for Economic Development (a group of public utilities), and the state's Office of Business Development for active marketing. Contact: Laure Clark

#### **CDCs**

A vote is scheduled for the September Executive Committee and Fall Council, designating Salem, Gloucester and Peabody Central Business Districts (CBDs) as Concentrated Development Centers. If designated, the centers will be placed on the regional development map as target areas for infrastructure investments. Concentrating development where the infrastructure exists to support it, is one of the principles of MetroPlan 2000, the Council's development plan for the region.

Contact: Kent Stasiowski

#### Regional Environmental Forum

MAPC's Executive Director will be the guest speaker at the Essex County Regional Environmental Coalition (ECREC) forum scheduled for Thursday, September 23rd. Administered by the Mass Audubon (North Shore), ECREC promotes regional solutions to environmental problems.

#### **Environmental Reviews**

MAPC recently reviewed and distributed the following environmental reviews:
Framingham/Resident Care Nursing Home
Boston/New England Medical Center
Boston/New Air Service

Marlboro/Wachusett Interim Corrosion
Control Facility
Marshfield/Wendy's Restaurant
Boston/Central Artery Third Harbor tunnel
Boston/GEIR Logan International Airport
Contact: Kent Stasiowski

### **GM Facility Reuse**

General Motors/Argonaut Realty, the town of Framingham and the MetroWest Chamber of Commerce held a press conference in Framingham on Wednesday, August 4th to present the findings of the Framingham GM Facility Reuse Study sponsored by the General Motors/Argonault Realty, the town of Framingham, the MetroWest Chamber of Commerce, Boston Edison and the South Middlesex Opportunity Council. For more information contact Fred Rubin, Vice President for Business Development at the MetroWest Chamber of Commerce (508) 879-5600.

# September Calendar

7	9:00 a.m.	MetroPlan 2000 Committee
	12:00 p.m.	Finance Committee
8	10:00 a.m.	Inner Core
9	4:00 p.m.	NSTF
	7:30 p.m.	MAGIC
10	10:00 a.m.	MWRA Wastewater
		Advisory Committee
13	9-12 p.m.	MAPC Local Officials &
	•	Admin. Newton City Hall
	12:00 p.m.	Officers
	7:30 p.m.	N. Coastal Water Comm.
	-	Middleton
14	10:00 a.m.	MPO Liaison Committee
15	8:00 a.m.	NSPC Wilmington
	9:00 a.m.	Executive Committee
	4:00 p.m.	Three Rivers
	7:30 p.m.	So. Shore Solid waste
	-	Norwell
	7:30 p.m.	MetroWest Water Res.
	-	Natick
16	7:30 p.m.	So. Shore Coalition Scituate
	7:30 p.m.	Cambridge Reservoir
	<b>-</b> ,	Advisory Committee
	•	Waltham
21	8:00 a.m.	SWAP Milford
	3:30 p.m.	Council Meeting Wellesley
30	12:00 p.m.	Economic Dev. Policy
	•	Committee

Call ahead to confirm time and place.



# Metropolitan Area Planning Council

60 Temple Place, Boston, Mass. 02111 617/451-2770 Fax 617/482-7185

Serving 101 cities and towns in metropolitan Boston

August 25, 1993

D) 5 (C) 1993 AUG 2 6 1993

ACTON ENGINEERING DEPT.

TO: TIP Liaisons

FR: Daniel J. Fortier, Chief Transportation Planner

RE: JRTC Meeting on the Transportation Improvement Program

Amendments

Please note that the Joint Regional Transportation Committee (JRTC) will meet on September 1, 1993 at 3:30 PM in Conference Room 4 to discuss the Transportation Improvement Program Amendments. This is a special meeting to only address the TIP amendment package.

If you are unable to make this meeting and would like your comments transmitted to the JRTC please get them to me before the first.

Selectioner

RECEIVED & FILED

DATE (Lucust 25, 199



MASSACHUSETTS
BOARD OF APPEALS

DECISION NO. 93-12

DECISION ON THE PETITION BY CHARLES KADISON, JR. FOR SUN REFINING & MARKETING, 421 MASS. AVENUE

A public hearing of the ACTON BOARD OF APPEALS was held in Room 126 of the Acton Town Hall, Acton, Massachusetts on Monday, August 2, 1993 at 8 PM on the petition by Charles Kadison, Jr. for Sun Refining & Marketing, 421 Mass. Avenue, Acton for a Variance from the requirements of Section 4.3.6.2 of the Zoning Bylaw to allow a post-development reduction in the amount of annual rainfall being captured and recharged to the groundwater at the subject site.

Members of the Board of Appeals present were Malcolm Burdine, Chairman; Duncan Wood, Clerk; and Stephen Crockett, Member. Also present were Valerie Sipprelle, Board of eals Secretary; Garry Rhodes, Building Commissioner; Charles Kadison Jr., attorney or Petitioners; Frank Quigley of Eastern Consultants, engineer for the petitioners; and Barbara and James McBride, abutting landowners.

Mr. Burdine read the petition, noted file contents, and explained hearing procedures.

The Board of Appeals, after considering the materials submitted with the petition together with the information developed at the public hearing, finds that:

- (1) The site is underlain by shallow ledge and dense low permeability soils.
- (2) The maintenance and operation of an adequate sanitary wastewater disposal system at the site has been a problem in the past, and the infiltration of stormwater at the site will further complicate the operation of the leaching field.
- (3) Underdrains have been installed along the uphill portion of the site to intercept groundwater from upslope. This is part of the effort to lower the water table near the wastewater leach field. Infiltration of stormwater is in conflict with that effort, necessitated by the requirements of the leach field design.



#### MASSACHUSETTS

#### BOARD OF APPEALS

- (4) The proposed catch basin will store the initial portion of a storm, but it is very likely to overflow at the surface for most storms, except for very minor rainfall events, since the very low infiltration rate will not be able to keep up with inflow.
- (5) The alternative at the site is to connect the storm drains in Route 111, Massachusetts Avenue. The Mass DPW has approved the connection of the site's drains to the system in the roadway, which drains eastward to Cole's Brook.

As a result of the above findings, the Board of Appeals concludes that:

- (1) The lack of the incremental recharge at this site will not significantly reduce the erall recharge to Acton's groundwater systems, due to the fact that the site's soils have very limited recharge potential.
- (2) The community's interests are better served by not requiring the recharge at a location where the successful operation of a wastewater disposal system is already constrained by high groundwater conditions.
- (3) The soil conditions and lot shape at the site are of such character as to make enforcement of the recharge requirement inappropriate at this location.
- (4) Allowing a variance from the recharge requirements at this site is consistent with the Acton Master Plan, which acknowledges the variation in soil condition limitations throughout the Town.

Based upon the findings and conclusions, the Board voted unanimously to <u>GRANT</u> the request for a Variance to the allow a post development reduction in the amount of annual rainfall captured and recharged at the subject site.



#### MASSACHUSETTS

#### BOARD OF APPEALS

Any person aggrieved by this decision may appeal pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 17, within twenty (20) days after this decision is fled with the Acton Town Clerk.

TOWN OF ACTON
BOARD OF APPEALS

Malcolm Burdine

Chairman

Duncan Wood

Clerk

Stephen Crockett

Member

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on Actor 25, 1993.

Valerie Sipprelle

Secretary

Board of Appeals

### TOWN OF ACTON INTERDEPARTMENTAL COMMUNICATION

**DATE:** August 25, 1993

TO:

FROM:

Board of Selectmen Valerie Sipprelle, Board of Appeals Secretary Nagog Development, Board of Appeals Hearing #93-14 **SUBJECT:** 

Please find enclosed copies of the Variance request by Nagog Development, along with the remaining file contents, for your perusal.

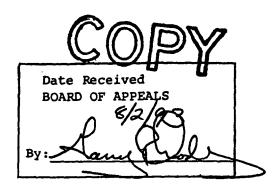
(980)

Date Received \$2/93
TOWN CLERK

By: Carkerine Bulling



TOWN OF ACTON MASSACHUSETTS

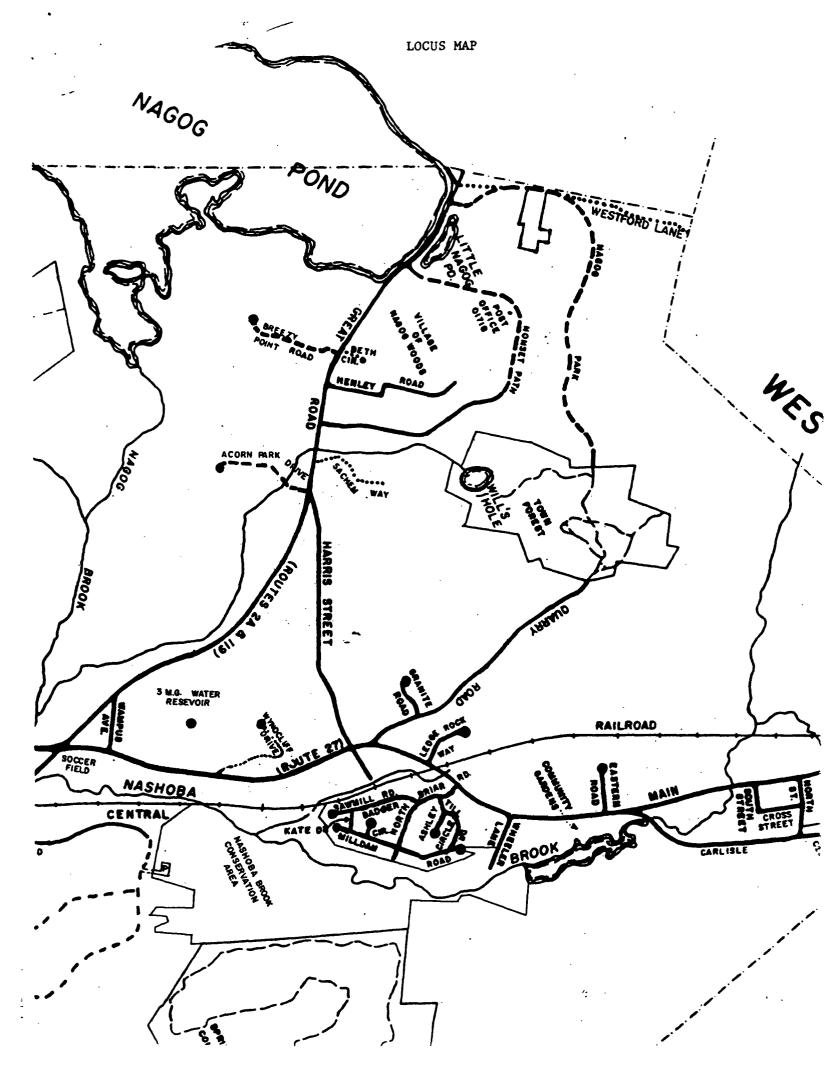


BOARD OF APPEALS
(FORM 5)
PETITION FOR VARIANCE

•	July 30, 19 93
K/We hereby petition the Board of Appeals from the requirements of Sections provided by G.L. Chapter 40A, Section 10 to	of the Zoning By-Law, as
* which are affected by the doctrine of m	erger insofar as is necessary to allow
7-3 of Assessor's Plan B4 to be treated	as a separate independent lot for
zoning purposes irrespective of the own	ership of adjoining lots
OFFICE USE ONLY	Respectfully submitted Nagog Development Company
Four copies of petition?	Signed Kirk Ware, Managing General Partner (Petitioner)
Location map?	Name Nagog Development Company
Plot plans?	Address One Nagog Park, Acton, MA
Additional briefs?	Phone # (508) 263-1125
List of abutters and other interested	Nagog Development Company Signed
parties?	Kirk Ware, Managing General Partner (Owner of Record)
Fee - \$100.00/1-25 abutters \$125.00/26+ abutters 20/25,00 pu	Name Nagog Development Company
Next Hearing Date? 9/7/93 No#93-14	Address One Nagog Park
( 2:45 p.m.)	Acton, MA 01720
	Phone # (508) 263-1125

A variance may be granted by the Board of Appeals only if all the conditions, given in Section 10.5.5 are met. The Board may impose conditions, safeguards, and limitations as a part of their decision (Section X-D).

Revised 8/5/88



	ABUT	TERS LIST
LOCUS:	B40 007 003 B40 002 003 B40 007 001	B40 007 002 B40 007 000
	B40 007 004 B40 003 000	B40 003 001 B40 008 000
	B40 008 001 B40 002 002	B40 006 001 B40 001 000
MAP & PLOT	B40 002 000 OWNER	B50 002 000  MAILING ADDRESS
B40 008 003	Nagog Woods	List attached
008 002 006	Town of Concord Setra Systems, Inc. Spoondrift Realty Tr.	Water District 45 Nagog Park, Acton 01720
000	c/o Kenneth Barr Town of Littleton	581 Great Road, Acton 01720
002 001 004	Marvin Weinstein Digital Equipment	58 Woodbine Circle, Needham 02192 Prop. Dev. MSO 2-3/H16 146 Main St., P.O. Box 404, Maynard 01754
009	Cheney Realty Trust c/o John Cheney Town of Westford	66 Nonset Path, Acton 01720

July 30, 1993

014 B50 003 000

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

Nagog Woods Comm. Corp.72 Nonset Path, Acton 01720

02130

19 Plainfield Street, Jamaica Plain

HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:

Boxborough, MA 01719 Carlisle, MA 01741 Concord, MA 01742 Littleton, MA 01460 Maynard, MA 01754 Stow, MA 01775 Sudbury, MA 01776 Westford, MA 01886

Joseph Tabbi

Betsy J. Jackson Administrative Clerk

# NAGOG WOODS

B40	101 034	Gerald Rondoe	33 Hemlock Hill, Carlisle 01741 115 Waterside Clearing 114 Waterside Clearing 113 Waterside Clearing 112 Waterside Clearing
	101 035	James Cameron	115 Waterside Clearing
	101 036	Bernard Weinstein	114 Waterside Clearing
	101 037	Peter Rosner	113 Waterside Clearing
	101 038	Gurmeet Bazaz	112 Waterside Clearing
	101 039	Bryant Muenzin	
	101 039	C/O Lam Coldwell Banker Anita Rossien John Tracy Karen Blomberg Nancy Werrbach Gennady Levitsky Judith Lyttle John Negron Charles P. Davis, Jr. Nancy Gendron	380 Mass. Ave. Acton 01720
	101 040	Anita Possian	110 Waterside Clearing
	101 040	Anita Rossien	125 Waterside Clearing
	102 041	John Tracy	124 Waterside Clearing
	102 042	karen Blomberg	124 Waterside Clearing
	102 043	Nancy Werrbach	123 Waterside Clearing
	102 044	Gennady Levitsky	122 waterside Clearing
	102 045	Judith Lyttle	121 Waterside Clearing
	102 046	John Negron	120 Waterside Clearing
	103 001	Charles P. Davis, Jr.	130 Butternut Hollow
	103 002	Nancy Gendron	131 Butternut Hollow
	103 003	Robert Horn & Niela Miller	132 Butternut Hollow
	103 004	Wai-Chew Cheong	133 Butternut Hollow
•	103 005	John Kenney	134 Butternut Hollow
	103 006	Patrick Varley	135 Butternut Hollow
	103 007	Phyllis Talhot	140 Butternut Hollow
	104 008	Tarue Holteen	141 Butternut Hollow
	104 000	Marion Marrick	142 Butternut Hollow
	103 007 104 008 104 009 104 010	Robert Horn & Niela Miller Wai-Chew Cheong John Kenney Patrick Varley Phyllis Talbot Larue Holteen Marion Merrick Ronald Muller Suzanne McGuire Joseph Ecker, Sr. Scott Beihler Patricia Dudley Gordon Robinson Dr. Timothy Halligan Joanne Fahey Beverly Beust Jens P. Dybwad	142 Butternut Hollow
	104 010	Ronald Mullet	144 Butternut Hollow
	104 011	Suzanne McGuire	145 Buttornut Hollow
	104 012	Joseph Ecker, Sr.	145 Butternut notiow
	104 013	Scott Beinier	146 Butternut Hollow
	104 014	Patricia Dudley	14/ Butternut Hollow
	105 015	Gordon Robinson	150 Butternut Hollow
	105 016	Dr. Timothy Halligan	151 Butternut Hollow
	105 017	Joanne Fahey	152 Butternut Hollow
	105 018	Beverly Beust	153 Butternut Hollow
	105 019	Jens P. Dybwad	19 Kessler Farm Dr.
		-	Nashua, NH 03063
	106 020	Tom Durso & Barbara Young	165 Split Rock Road
	106 021	Susan Martin	164 Split Rock Road
	106 022	Madelynn Clark	163 Split Rock Road
	106 023	Bryant Muenzen	•
		c/o Lam Coldwell Banker	380 Mass. Ave. Acton 01720
	106 024	Emma Del Real	160 Split Rock Road
	106 025	Linda Onuska	161 Split Rock Road
	107 026	John O'Connell	170 Split Rock Road
	107 020		171 Split Rock Road
		Nancy Carvelle	3 Rio Grande Dr.Chelmsford 01824
	107 028	Kathryn Somerville	
	107 029	Richard Lombardo	173 Split Rock Road
	107 030	Richard Berger	174 Split Rock Road
	107 031	Eugenia Atakov	175 Split Rock Road
	107 032	Joan L. Parker	176 Split Rock Road
	107 033	Peter Dolan	177 Split Rock Road
	108 047	Robert Coan	616 Old Stonebrook

108	048	Andrew Cobin	170 Benevue Rd. Wellesley 02181
108	0.40	Scott Andersen	614 Old Stonebrook
100	049	Dence Minhie	613 Old Stonebrook
100	050	Bluce limble	612 Old Stonebrook
108	051	Claire Soja	612 Old Stonebrook
108	052	Lawrence Bakst	611 Old Stonebrook
109	053	Rolf Wetzell	271 Brown Bear
109	054	Steven Bloom	665 Pheasant Hill
109	055	Norman Fujivoshi	666 Pheasant Hill
100	056	John F Morrison	663 Pheasant Hill
100	050	David Carin	664 Pheacant Hill
109	057	David Gavin	662 Phospart Will
109	058	Nathan Phillips	CC1 Phonon will
109	059	John Tracy	ool Pheasant Hill
110	060	Ellen Crompton	648 Pheasant Hill
110	061	FBB Realty Tr.	647 Pheasant Hill
110	062	Leon Mintz	646 Pheasant Hill
110	063	Robert J. Abramson	645 Pheasant Hill
110	064	Jean Luck	858 No. 12th St.
110	004	Ocum Buck	Arkadelphia, ARK 71923
110	065	Numa Daman	6/2 Phoacant Will
110	005	Hugo Perez	642 Phonont Will
110	066	Jay Frolick	042 Pheasant mill
110	067	Michael J. Ames	641 Pheasant Hill
110	068	Robert Gardella	625 Pheasant Hill
111	069	Gayle E. Quinn	624 Pheasant Hill
111	070	Vod Hatch	623 Pheasant Hill
111	071	Caroline Moss	622 Pheasant Hill
111	072	Pick Slagle	621 Pheasant Hill
112	072	Varon Mallarida	607 Old Stonebrook
112	073	Marca Milaa	605 Old Stonebrook
112	0/4	Andrew Cobin Scott Andersen Bruce Timbie Claire Soja Lawrence Bakst Rolf Wetzell Steven Bloom Norman Fujiyoshi John F. Morrison David Gavin Nathan Phillips John Tracy Ellen Crompton FBB Realty Tr. Leon Mintz Robert J. Abramson Jean Luck Hugo Perez Jay Frolick Michael J. Ames Robert Gardella Gayle E. Quinn Vod Hatch Caroline Moss Rick Slagle Karen Tallarida Thomas Mikes Indulis Pommers Anna Zisch Cheryl Hammar	605 Old Stonebrook
112	075	Indulis Pommers	505 Old StoneDrook
112	076	Anna Zisch	10 Rogers St. #204
			Cambridge 02142
112	077	Cheryl Hammar	603 Old Stonebrook
112	078	Yvonne Ouist	602 Old Stonebrook
112	079	Martin Benawitz	601 Old Stonebrook
	080	Donna Schilling	541 Old Stonebrook
	081	Edea Duncan	542 Old Stonebrook
	007	Edna Duncan	E Pobinwood Pond
114	082	Anna Zisch  Cheryl Hammar Yvonne Quist Martin Benawitz Donna Schilling Edna Duncan Robert J. Desmond Mary-Clo Owen Dorn Lucy	5 AA Cook Elm Moss
114	083	Mary-Clo Owen	544 Great Elm Way
114	084	Dorn Lucy	85-18 118th Street
			Kew Garden, NY 11415
114	085	Charlotte Sutherland	546 Great Elm Way
114		L.E. Boston	408 Edgetree Drive
			Murrysville, PA 15668
114	087	Francisco Faria	548 Great Elm Way
114			549 Great Elm Way
		Francis Parker	
115		Robert Gabel	6 Roberts Road
115		Mary Vanmovrik	538 Old Stonebrook
115	091	Daniel Klein	
		Shelly Kassman	537 Old Stonebrook
115	092	Mary Ann Patterson	536 Old Stonebrook
	093	Gerald Kubik	48 Willow Street, Acton 01720
	094	Edward Adelman	534 Old Stonebrook
	095		533 Old Stonebrook
		William Heuss	
112	096	Richard Pfeifer	10 Rogers St. #204

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# Cambridge 02142

115 097	Abdul F. Choonavala	• • • • • • • • • • • • • • • • • • • •
-		International Pl. #1120
	c/o Lichenstein	International Fi. #1120
•	c/o Lichenstein  Henry, Robert E., Jr. Janet Potter  James Walsh Arthur Hassett Jens Dywad	Boston 02110
116 100	Henry, Robert E., Jr.	517 Tumbling Hawk
116 101	Janet Potter	563 Manet Terr.
110 101	vallet rotter	Supressio CA 94087
		Sunnyvale, CA 94007
116 102	James Walsh	515 Tumbling Hawk
116 103	James Walsh Arthur Hassett Jens Dywad	514 Tumbling Hawk
116 104	Ione Diwad	19 Kessler Farm Dr.
, 110 104	della Dywad	Nashua, NH 03063
		Mashua, No 05005
116 105	Tak-Yuk Lam	512 Tumbling Hawk
116 106	Naomi Lerman	511 Tumbling Hawk
117 107	Andrew Birol	577 Great Elm Way
117 100	Pohort Fitzer	576 Great Elm Way
117 100	RODELL FILZEI	ETE Creat Elm Wass
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117 110	Jacqueline Roche	574 Great Elm Way
117 111	Annette Iafrate	573 Great Elm Way
117 112	Kathryn McAdoo	572 Great Elm Way
117 112	Diana Manhaff	571 Great Flm Way
11/ 113	Diane Mannori	5/1 Great Elm Way
118 114	Edward Petzoldt	558 Great Elm way
118 115	Antonio Scippa	559 Great Elm Way
118 116	Alexander McGuiness	551 Great Elm Way
118 117	Gary Zeltser	552 Great Elm Way
110 117	Dilla white	365 Harelwood Dr
110 110	BILLY MULCE	303 Mazerwood Dr.
	_	Atlanta, GA 30311
118 119	Jonah Laufer	554 Great Elm Way
118 120	Derek Little	555 Great Elm Way
118 121	Naomi Lerman Andrew Birol Robert Fitzer Wilhelmina McDowell Jacqueline Roche Annette Iafrate Kathryn McAdoo Diane Manhoff Edward Petzoldt Antonio Scippa Alexander McGuiness Gary Zeltser Billy White  Jonah Laufer Derek Little Michael Pyle Yuval Shohet Daniel Finn Leslie Warner Chas. Home Mtg. Co.	556 Great Elm Way
110 121	Years 1 Chahat	557 Great Flm Way
110 122	iuvai snonec	500 Great Blm Way
119 124	Daniel Finn	599 Great Elm way
119 123	Leslie Warner	598 Great Elm Way
119 125	Chas. Home Mtg. Co.	135 Chestnut Ridge Rd.
	George Lussier Martha Belden Janice Ketonen Rosanna Dearness John Hummel Ann Sandford Richard Dumais	Monvale. NJ 07645
119 126	Coorgo Iuccier	503 Pine Cone Strand
119 120	George Lussier	500 Dine Cone Strand
119 127	Martha Belden	592 Pine Cone Strand
119 128	Janice Ketonen	591 Pine Cone Strand
119 129	Rosanna Dearness	590 Pine Cone Strand
119 130	John Hummel	595 Great Elm Wav
119 131	Ann Candford	505 Great Elm Way
	Alli Saliutotu	Des 331 DBD 1
119 132	Richard Dumais	
		Bradford, NH 03221
120 133	Andrew Gearnieri	522 Tumbling Hawk
120 134	Nina Tang	523 Tumbling Hawk
120 135		524 Tumbling Hawk
120 135	Jo An Bagleo	COS muchling name
120 136	Leonard Smith	525 Tumbling Hawk
120 137	Elnora Gizzie	526 Tumbling Hawk
120 138	Richard Lent	520 Bankside Hollow
120 139	Jeffrey Cooper	290 Tappan St.
120 IJJ	octifel cooper	Prockline 02146
400 440		Brookline 02146
120 140	John Quinn	4054 Belmore Dr.
		Palm Habor, FL 34685
120 141	Wendy Wolff	528 Great Elm Way
120 142	Anna Zisch	10 Rogers St. #204
140 144	Allia ulbeli	LV MOYCED DE TEUT

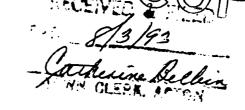
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121 143	Gerard Vangink Ray Scutro	P.O. Box 1342, Littleton 01460 505 Tumbling Hawk 501 Tumbling Hawk 502 Tumbling Hawk
121 144	Irwin Abrams	501 Tumbling Hawk
121 145	Sheila Vernick	502 Tumbling Hawk
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121 14/	Paco Realty Trust	050 Concord St., Carlisle 01741
121 140	Jonathan Horron	506 Rankside Hollow
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122 151	Shirley Ormehy	240 Old Beaverbrook
122 132	Torraine Kennedy	240 Old Beaverbrook 241 Old Beaverbrook 242 Old Beaverbrook 1671 Old John Trail Fairbanks, Alaska 99709
122 133	Candra Burd	242 Old Beaverbrook
122 134	Daniel Weiner	1671 Old John Trail
122 155	Daniel Weiner	Fairbanks, Alaska 99709
122 156	Brian Barklay	244 Old Beaverbrook
122 157	Murray Fisanhara	62 Walnut Hill. Brookline 02167
	Norman Rain	246 Pine Cone Strand
122 150	David Tompkine	Fairbanks, Alaska 99709 244 Old Beaverbrook 62 Walnut Hill, Brookline 02167 246 Pine Cone Strand 247 Pine Cone Strand
122 158 122 159 123 160	Stanhan Alexander	231 Old Beaverbrook
123 161	John Coggins	230 Old Beaverbrook
123 162	Harry Golding	231 Old Beaverbrook 230 Old Beaverbrook 239 Brown Bear Crossing
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123 164	Michael Olsham	237 Brown Bear Crossing
123 165	Jeffrey Waxman	236 Brown Bear Crossing
123 166	John Pavan	235 Brown Bear Crossing
123 167	Anthony DiRienzo	234 Brown Bear Crossing
123 168	Shirley Passman	233 Old Beaverbrook
123 169	Paul Rafuse	237 Brown Bear Crossing 236 Brown Bear Crossing 235 Brown Bear Crossing 234 Brown Bear Crossing 233 Old Beaverbrook 24 Jackson Dr. 8 Cranes Neck, Sewall Pt. Stuart, FL 34996
124 170	Norman Biehler	8 Cranes Neck, Sewall Pt.
		Stuart, FL 34996
124 171	John Mattson	225 Bankbide notion
124 172	Carr Ouackenbush	3 Emerson Dr.
124 173	Joan Alenka	221 Old Beaverbrook
124 174	George Earle	3965 Shady Hill Dr.
	•	Dallas, TX 75229
124 175	Warren Beckman	223 Old Beaverbrook
124 176	Carole Cochin	224 Old Beaverbrook
124 177	Mark Berman	229 Bankside Hollow
124 178	Peter Johnson	228 Bankside Hollow
124 179	Sharon Bresland	227 Bankside Hollow
125 180	William Kohlbrenner	210 Meadows Edge
125 181	John Young	28 Phillips Dr., Westford 01886
125 182	Patricia Mason	23 Sea Fields Road
		Kennebunk, ME 04043
125 183	John Wilson, Jr.	213 Meadows Edge
125 184	Sean Rosser	214 Meadows Edge
125 185	John Meriwether	215 Meadows Edge
125 186	Eunice Fassbender	216 Meadows Edge
125 187	Robert Batts	14 Wyndcliff Dr.
126 188	Jack Rosenberg	257 Brown Bear Crossing
126 189	Richard Schulman	256 Brown Bear Crossing
126 190	Joanne Park	255 Brown Bear Crossing

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| 126 | 191 | Craig Halajian | P.O. Box 555 Cambridge | 02139 | | | | | | | |
| 126 | 192 | Richard Rodgers | 253 Brown Bear Crossing |
| 126 | 194 | James Barbato | 251 Brown Bear Crossing |
| 126 | 261 | Lewis Holmes | 261 Brown Bear Crossing |
| 126 | 262 | Jeok Yeoh | 20 Moore Ln. Littleton | 01460 |
| 126 | 263 | Anthony DiRienzo | 263 Brown Bear Crossing |
| 126 | 264 | Richard Gordon | 264 Brown Bear Crossing |
| 126 | 265 | Feter Yensen | 266 Brown Bear Crossing |
| 127 | 195 | Joseph Peluso | 202 Meadows Edge |
| 127 | 195 | Joseph Peluso | 202 Meadows Edge |
| 127 | 197 | Luann Ebert | 203 Meadows Edge |
| 127 | 198 | John Tew, Jr. | 204 Meadows Edge |
| 127 | 129 | Sean O'Neil | 205 Meadows Edge |
| 127 | 271 | Roif Wetzell | 271 Brown Bear Crossing |
| 127 | 272 | Nancy Texidor | 272 Brown Bear Crossing |
| 127 | 273 | George Conant | 273 Brown Bear Crossing |
| 127 | 274 | RES Trust C/o R. Steiger | 274 Brown Bear Crossing |
| 127 | 275 | Thomas Fagnant | 275 Brown Bear Crossing |
| 128 | 281 | Michael Renaccio | 281 Brown Bear Crossing |
| 128 | 282 | John Medicus | 282 Brown Bear Crossing |
| 129 | 291 | Charles Bassett | 291 Old Beaverbrook |
| 129 | 292 | Paula Kwon | 293 Old Beaverbrook |
| 129 | 294 | Michael Boccadoro | 294 Old Beaverbrook |
| 129 | 295 | Peggy Anderson | 295 Old Beaverbrook |
| 129 | 296 | Janet Heffernan | 296 Brown Bear Crossing |
| 120 | 297 | Jackson Farrill | 301 Old Beaverbrook |
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                           130 305
R.E. Rawling
c/o Lynn Moore

130 306
Cordelia Alfaro
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307 Old Beaverbrook
308 Roger Wilson
309 Roger Wilson
300 Old Beaverbrook
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Village Sales Nagog Wds.
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                                             Anna Zisch
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   138 386
                                             R.E. Rawling
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                                 Joseph Salvia
Peter Benanti
Robert Emerson
Susan Olsen
Barbara LaRue
Robert Goddard
Aaron Taylor
Laurie Crockett
Timothy Shay
Brenda Ferriero
Michael Finson
Joan Carr
Peter Clegg
Harry King
Michael Granat
Anne Pemberton
Richard Hussong
Tak Yuk Lam
James Cantrell
Stanley Diamond
Louise Frost
Edward Tabor
Yossef Chodin
Leland Oldham
Kathleen Jamieson
Gerard Vangink
S. Kent Morgan
Nancy Cassaboon
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 144 441 Timothy Brandt
144 442 Gerard Vangink
144 443 Benjamin Stuart
144 444 Doris Weidman
144 445 Antoinette Hershey
144 446 Beth Johnson
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MASSACHUSETTS

BOARD OF APPEALS

#93-14

# NOTICE OF PUBLIC HEARING

Board of App	Hid Board of Appeals will hold a Public Hearing on_			Tuesday,				
	September 7,				TOWN	HALL	Rm.	126
il lite following petiti	ion:							

by Nagog Development Co., Kirk Ware Mgr., 1 Nagog Park,
Acton, MA, for a PETITION FOR A VARIANCE from the requirements
of all sections which are affected by the doctrine of merger
of the Zoning Bylaw, to allow 7-3 of the Assessor's Plan B4
to be treated as a separate, independent lot for zoning
purposes irrespective of the ownership of the adjoining lots.

Petitioner must be present, or send authorized representative

**BOARD OF APPEALS** 

By

Duncan Wood

Clerk



MASSACHUSETTS

BOARD OF APPEALS

FOXO 8/4/93 COPY

Board of Appeals Hearing #93-14

A public hearing of the ACTON BOARD OF APPEALS will be held in the TOWN HALL on Tuesday, September 7, 1993 at 7:45 p.m. on the petition of Nagog Development Co., Kirk Ware, Mgr., 1 Nagog Park for a PETITION FOR A VARIANCE from the requirements of Section all sections which are affected by the doctrine of merger of the Zoning Bylaw to allow 7-3 of the Assessor's Plan B4 to be treated as a separate, independent lot for zoning purposes irrespective of the ownership of the adjoining lots..

(225)



# TOWN OF ACTON INTERDEPARTMENTAL COMMUNICATION

**DATE:** August 12, 1993

TO:

Engineering, Planning, Health, Conservation, Municipal

**Properties** 

FROM:

John Murray, Assistant Town Manager

SUBJECT:

Nagog Development, Petition for a Variance, Map B4/Parcel 7-3

To expedite the Board of Selectmen's request to review Staff comments as pertains to Nagog Development's request for a Variance to build on Map B4/Parcel 7-3, I am requesting that all Staff submit comments to the Board of Appeals by August 18, 1993.

Attached find a copy of the Nagog Development Variance request. If you have any questions, please contact Garry Rhodes.

GARRY,

THERE ARE NO CONSERVATION OR WETLANDS PROTECTION ACT CONCERNS ASSOCIATED WITH THE DEVELOPMENT OF B-4, Pcl. 7-3.

RECEIVED

AR 1 8 1993

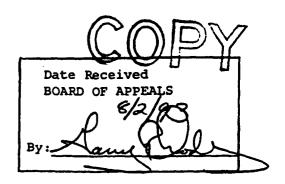
**ACTON CONSERVATION COMMISSION** 

Date Received 8 193
TOWN CLERK

By: Catherine Belli



TOWN OF ACTON MASSACHUSETTS



BOARD OF APPEALS (FORM 5) PETITION FOR VARIANCE

-11	July 30, 19 93
all  **Me hereby petition the Board of Appeals**	for a public hearing and a wariance
from the requirements of Sections	of the Zening Bu-Laut as
from the requirements of Sections provided by G.L. Chapter 40A, Section 10	of the Boning By-Law, as
provided by G.L. Chapter 40A, Section 10	to allow:
* which are affected by the doctrine of m	nerger insofar as is necessary to allow
7-3 of Assessor's Plan B4 to be treated	as a separate independent lot for
zoning purposes irrespective of the own	ership of adjoining lots
	· · · · · · · · · · · · · · · · · · ·
•	1
· · · · · · · · · · · · · · · · · · ·	
	·
OBBROS HER ONLY	Respectfully submitted
OFFICE USE ONLY	Nagog Development Company
	Signed Hollow
Four copies of petition?	Kirk Ware, Managing General Partner (Petitioner)
	(Petitioner)
Location map?	Wassa Dawalarmanh Company
	Name Nagog Development Company
Plot plans?	One Name Park Ashar WA
	Address One Nagog Park, Acton, MA
Additional briefs?	" (EOO) 0/0 110E
	Phone # (508) 263-1125
List of abutters and	Nagog Development Company
other interested	Signed Mills
parties?	Kirk Ware, Managing General Partner (Owner of Record)
	towner or record,
Fee - \$100.00/1-25 abutters	Name Nagog Development Company
\$125.00/26+ abutters? P/25,00 w.	Name Nagog Development Company
	Address One Name Deals
Next Hearing Date? 9/7/93 No#93-14	Address One Nagog Park
G 2.4/	
( 1.42 p.m.)	Acton, MA 01720
•	Dhana # (500) 200 1105
	Phone # (508) 263-1125

A variance may be granted by the Board of Appeals only if all the conditions, given in Section 10.5.5 are met. The Board may impose conditions, safeguards, and limitations as a part of their decision (Section X-D).



# TOWN OF ACTON

# INTER-DEPARTMENTAL COMMUNICATION

DATE: 8/13/93

TO:

Garry Rhodes, Building Commissioner

FROM:

Dennis Ring, Engineering Assistant

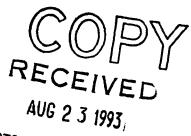
SUBJECT: VARIANCE REQUEST - NAGOG DEVELOPMENT

This variance request would potentially allow development of parcel 7-3 on Map B-4 of the Town Atlas if it is granted. There are no engineering issues which would support approval or denial of this request. Traditionally, our comments would be made upon the filing of a site plan, or on a request for a variance from a specific section of the Bylaws that deals with an engineering related issue.

If we can be of further assistance, please let us know.

.94\*34

# TOWN OF ACTON INTERDEPARTMENTAL COMMUNICATION



August 23, 1993

ACTON BUILDING INSPECTOR

TO: Board of Appeals

FROM: Dean A. Charter, Municipal Properties Director

SUBJECT: Nagog Development Variance Petition

As the above noted variance has no impact upon the interests I represent, I will offer no comments.

cc.: John Murray

DAC/344

# TOWN OF ACTON



#### INTER-DEPARTMENTAL COMMUNICATION

DATE: 8/24/93

TO:

Garry Rhodes, Building Commissioner

FROM:

Donna Jacobs, Assistant Planner Ducks

SUBJECT: NAGOG PARK, Map B-4, Parcel 7-3

Petition for Variance, 93-14

The petitioner has requested a variance from all sections of the Zoning Bylaw which are affected by the doctrine of merger to allow Parcel 7-3 to be treated as if it were in separate ownership, rather than in common ownership with 6 or more adjacent parcels. I will not comment on the merger doctrine as it affects Parcel 7-3. As usual, hardship must be proven to justify a variance. I note that the petitioner could have chosen to ask for a variance from the FAR ceiling rather than from the merger doctrine; however, if granted a variance, the result and the issues involved would essentially be the same.

Parcel 7-3, along with two other commonly held parcels, is within the Office Park 1 (OP-1) zoning district. The OP-1 district was not designated as a growth area by the Master Plan primarily to discourage substantial future development and congestion in the Great Road corridor. The maximum FAR for the OP-1 district is set at 0.10 except for pre-existing nonconforming buildings. The four other commonly owned parcels are in the adjacent Limited Business (LB) zoning district which has similar planning objectives, but its controls on building size operate differently.

The Master Plan's build-out analysis shows the currently vacant Parcel 7-3 to have an existing build-out of 49,300 sq. ft. (an FAR of 0.26), based on a special permit existing at the time of the analysis. Subsequently, after a 2 year extension, the special permit expired in 7/92. This amount of square footage was not a goal of the Master Plan, rather it was assumed a given fact and made part of the base line for existing conditions town wide. Build-out conditions were estimated from this base line forward.

From a planning perspective, any amount of floor area that has been included in this base line, but did not materialize due to the recession, should remain unbuilt as this furthers the master planning objectives upon which the OP-1 and LB districts were created. This view must be balanced with any legitimate arguments of hardship which might be presented by the petitioner.

Overall, the total build-out within the OP-1 district and the adjacent portion of the LB district is much more relevant than the build-out on any one parcel within this particular area. Therefore, I suggest that a variance could be granted up to the amount of building floor area for which commercial no-build restrictions can be secured on other available land within the OP-1 zoning district. This would allow the petitioner to transfer development rights from less desirable back land, owned or to be purchased by the petitioner, to Parcel 7-3 which appears to be more of a prime location.

cc: Town Manager Planning Board



# TOWN OF ACTON INTERDEPARTMENTAL COMMUNICATION

**DATE:** August 24, 1993

TO:

Board of Appeals

FROM:

Garry A. Rhodes, Building Commissioner

SUBJECT: Nagog Development Variance Request

In an attempt to assist the Board in reaching its decision, I have compiled a brief history of this property.

In December, 1973, the initial subdivision approval was granted. The Nagog mall was built in 1974 thru 1975.

In July of 1983 a revised subdivision plan was approved. This date is important because for the next 8 years the zoning was frozen. Therefore, until July of 1991 the lot was controlled by the zoning in effect in 1983.

Nagog Development, in 1988, split this mall lot into two separate lots and removed the portion of the mall located on lot 7-3.

The Board of Selectmen granted a Site Plan Special Permit to Nagog Development in 1988 for a building of approximately 50,000 square feet. That permit was based on the zoning in effect in 1983. The Board of Selectmen also granted an extension in July 1990 for that site plan, at Nagog Development's request until July 1992.

Town Meeting rezoned this area to a floor area ratio of .1 in 1990. This did not effect Nagog Development's property because of the 8 year subdivision protection and it further did not effect the lot for which this Variance is being requested until July, 1992.

Since July, 1992, all land owned by Nagog Development is subject to current zoning. All contiguous land, which is subject to this Variance and owned by Nagog Development, has an FAR of .159. If the Variance is granted it would then be .174 FAR. The FAR is .1 under the zoning in effect today.

(977)

COPY

ACTON BUILDING INSPECTOR

# TOWN OF ACTON INTERDEPARTMENTAL COMMUNICATION

**DATE:** August 12, 1993

TO:

Engineering, Planning, Health, Conservation, Municipal

Properties

FROM:

John Murray, Assistant Town Manager

SUBJECT: Nagog Development, Petition for a Variance, Map B4/Parcel 7-3

To expedite the Board of Selectmen's request to review Staff comments as pertains to Nagog Development's request for a Variance to build on Map B4/Parcel 7-3, I am requesting that all Staff submit comments to the Board of Appeals by August 18, 1993.

Attached find a copy of the Nagog Development Variance request. If you have any questions, please contact Garry Rhodes.

Currently the North Actan Treatment Blant is at capacity. Without knowing the full extent of the proposes development of this lat it is impresible to doternment if the Itealth Department could allow an additional the-in to the Treatment Plant. However, the Treatment Plant has a proposed to increase its capacity by 33% and if that proposed gains approach this lat well be cliquible for that additional capacity. Other permits may be necessary depending on the proposed uses for this site.